

# State of Illinois 91st General Assembly Final Senate Journal

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SENATE JOURNAL

STATE OF ILLINOIS

NINETY-FIRST GENERAL ASSEMBLY

110TH LEGISLATIVE DAY

THURSDAY, NOVEMBER 30, 2000

9:30 O'CLOCK A.M.

No. 110

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The Senate met pursuant to adjournment.  
Senator Laura Kent Donahue, Quincy, Illinois, presiding.  
Prayer by Reverend Thomas Christell, Grace Lutheran Church,  
Springfield, Illinois.  
Senator Radogno led the Senate in the Pledge of Allegiance.

Senator W. Jones moved that reading and approval of the Journal  
of Wednesday, November 29, 2000 be postponed pending arrival of the  
printed Journal.

The motion prevailed.

**REPORT RECEIVED**

The Secretary placed before the Senate the following report:

A report on the Access and Availability of Emergency Medical Services in Rural Illinois, March 2000, submitted by the Department of Public Health in accordance with Senate Resolution 146.

The foregoing report was ordered received and placed on file in the Secretary's Office.

#### **LEGISLATIVE MEASURES FILED**

The following floor amendments to the House Bills listed below have been filed with the Secretary, and referred to the Committee on Rules:

Senate Amendment No. 3 to House Bill 1511  
Senate Amendment No. 1 to House Bill 1284  
Senate Amendment No. 1 to House Bill 1582  
Senate Amendment No. 2 to House Bill 4659

#### **PRESENTATION OF RESOLUTIONS**

##### **SENATE RESOLUTION NO. 461**

Offered by Senator O'Malley and all Senators:  
Mourns the death of John Hickey.

##### **SENATE RESOLUTION NO. 462**

Offered by Senator O'Malley and all Senators:  
Mourns the death of John "Tim" Phelan of Chicago.

The foregoing resolutions were referred to the Resolutions Consent Calendar.

#### **INTRODUCTION OF A BILL**

**SENATE BILL NO. 1979.** Introduced by Senator O'Daniel, a bill for AN ACT making supplemental appropriations.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

#### **REPORTS FROM RULES COMMITTEE**

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Senator Weaver, Chairperson of the Committee on Rules, during its November 30, 2000 meeting, reported the following Legislative Measure has been assigned to the indicated Standing Committee of the Senate:

Executive: **First Conference Committee Report to House Bill 557.**

Senator Weaver, Chairperson of the Committee on Rules, during its November 30, 2000 meeting, reported the following Legislative Measure has been assigned to the indicated Standing Committee of the Senate:

Executive: **Senate Amendment No. 1 to House Bill 1284.**

Senator Weaver, Chairperson of the Committee on Rules, reported that the following Legislative Measures have been approved for consideration:

Senate Amendment No. 3 to House Bill 1511  
Senate Amendment No. 1 to House Bill 1582  
Senate Amendment No. 2 to House Bill 4659

The foregoing floor amendments were placed on the Secretary's Desk.

Senator Weaver, Chairperson of the Committee on Rules, reported that the following Legislative Measure has been approved for consideration:

Second Conference Committee Report to Senate Bill 487

The foregoing conference committee report was placed on the Senate Calendar.

#### **COMMITTEE MEETING ANNOUNCEMENT**

Senator Klemm, Chairperson of the Committee on Executive announced that the Executive Committee will meet today in Room 212, Capitol Building, at 11:15 o'clock a.m.

Senator Karpriel asked and obtained unanimous consent to recess for the purpose of a Republican caucus.

Senator Smith asked and obtained unanimous consent to recess for the purpose of a Democrat caucus.

At the hour of 10:14 o'clock a.m., the Chair announced that the Senate stand at recess subject to the call of the Chair.

#### **AFTER RECESS**

At the hour of 12:55 o'clock p.m., the Senate resumed consideration of business.

Senator Weaver, presiding.

#### **REPORT FROM STANDING COMMITTEE**

Senator Klemm, Chairperson of the Committee on Executive, to which was referred the **First Conference Committee Report to House Bill No. 557**, reported the same back with the recommendation that it

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be adopted.

Under the rules, the foregoing Conference Committee Report was placed on the Senate Calendar.

Senator Klemm, Chairperson of the Committee on Executive to which was referred **Senate floor Amendment No. 1 to House Bill No. 1284**, reported the same back with the recommendation that it be adopted.

Under the rules, the foregoing amendment is eligible for consideration on second reading.

**READING BILL FROM THE HOUSE OF REPRESENTATIVES  
A FIRST TIME**

**House Bill No. 4738**, sponsored by Senator O'Malley was taken up, read by title a first time and referred to the Committee on Rules.

At the hour of 12:58 o'clock p.m., Senator Donahue presiding.

**READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME**

On motion of Senator Rauschenberger, **House Bill No. 50** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 57; Nays None; Present 1.

The following voted in the affirmative:

Bomke  
Bowles  
Burzynski  
Clayborne  
Cronin  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpier  
Klemm  
Lauzen  
Lightford

Link  
Luechtefeld  
Madigan, L.  
Madigan, R.  
Mahar  
Mitchell

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Molaro  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Ronen  
Roskam  
Shadid  
Shaw  
Sieben  
Silverstein  
Smith  
Sullivan  
Syverson  
Trotter  
Viverito  
Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Welch  
Mr. President

The following voted present:

Cullerton

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Myers, **House Bill No. 851** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 58; Nays None.

The following voted in the affirmative:

Bomke  
Bowles  
Burzynski  
Clayborne  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard

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Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpel  
Klemm  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan, L.  
Madigan, R.  
Mahar  
Mitchell  
Molaro  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Ronen  
Roskam  
Shadid  
Shaw  
Sieben

Silverstein  
Smith  
Sullivan  
Syverson  
Trotter  
Viverito  
Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Welch  
Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

#### HOUSE BILL RECALLED

On motion of Senator Munoz, **House Bill No. 1511** was recalled from  
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the order of third reading to the order of second reading.

Senator Silverstein offered the following amendment and moved its adoption:

#### AMENDMENT NO. 3

AMENDMENT NO. 3. Amend House Bill 1511, AS AMENDED, in subsection (d) of Sec. 111-3 of Section 5, by deleting "or provide written notification,"; and

in subsection (d) of Sec. 111-3 of Section 5, by inserting after "amendment" the following:

"or a written notification made in accordance with subsection (c-5) of this Section".

The motion prevailed and the amendment was adopted and ordered printed.

And **House Bill No. 1511**, as amended, was returned to the order of third reading.

#### READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Munoz, **House Bill No. 1511** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 54; Nays 2; Present 2.

The following voted in the affirmative:

Bomke  
Bowles  
Burzynski  
Clayborne  
Cronin  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpel  
Klemm  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan, L.  
Madigan, R.  
Mahar  
Mitchell  
Munoz  
Myers

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Noland  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Ronen  
Roskam  
Shadid  
Sieben  
Silverstein  
Smith  
Sullivan  
Syverson  
Trotter  
Viverito

Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Welch  
Mr. President

The following voted in the negative:

Cullerton  
Molaro

The following voted present:

Obama  
Shaw

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendments adopted thereto.

On motion of Senator Obama, **House Bill No. 1991** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 51; Nays 3; Present 1.

The following voted in the affirmative:

Bomke  
Bowles  
Clayborne  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard

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Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.

Karpiel  
Klemm  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan, L.  
Madigan, R.  
Mahar  
Mitchell  
Molaro  
Munoz  
Myers  
Obama  
O'Daniel  
Parker  
Peterson  
Radogno  
Ronen  
Roskam  
Shadid  
Shaw  
Sieben  
Silverstein  
Smith  
Syverson  
Trotter  
Viverito  
Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Mr. President

The following voted in the negative:

Burzynski  
Noland  
Welch

The following voted present:

O'Malley

This bill, having received the vote of three-fifths of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Sieben, **House Bill No. 2970** having been

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printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 39; Nays 18.

The following voted in the affirmative:

Bomke  
Bowles  
Burzynski  
Clayborne  
Cullerton  
Demuzio  
Donahue  
Dudycz  
Geo-Karis  
Hawkinson  
Jacobs  
Jones, W.  
Karpel  
Link  
Luechtefeld  
Madigan, R.  
Mahar  
Mitchell  
Molaro  
Munoz  
Myers  
Noland  
O'Daniel  
Parker  
Peterson  
Petka  
Rauschenberger  
Roskam  
Shadid  
Sieben  
Smith  
Sullivan  
Syverson  
Viverito  
Walsh, L.  
Watson  
Weaver  
Welch  
Mr. President

The following voted in the negative:

Cronin  
DeLeo  
del Valle  
Halvorson  
Hendon  
Jones, E.  
Klemm

Lauzen  
Lightford  
Madigan, L.

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Obama  
O'Malley  
Radogno  
Ronen  
Shaw  
Silverstein  
Trotter  
Walsh, T.

This bill, having received the vote of three-fifths of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

#### **LEGISLATIVE MEASURE FILED**

The following floor amendment to the House Bill listed below has been filed with the Secretary, and referred to the Committee on Rules:

Senate Amendment No. 2 to House Bill 1284

#### **HOUSE BILL RECALLED**

On motion of Senator R. Madigan, **House Bill No. 1582** was recalled from the order of third reading to the order of second reading.

Senator R. Madigan offered the following amendment and moved its adoption:

#### **AMENDMENT NO. 1**

**AMENDMENT NO. 1.** Amend House Bill 1582 by replacing the title with the following:

"AN ACT in relation to public employee benefits."; and by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Pension Code is amended by changing Sections 14-107, 14-108, 14-114, 16-132, 16-133, and 16-133.1 as follows:

(40 ILCS 5/14-107) (from Ch. 108 1/2, par. 14-107)

Sec. 14-107. Retirement annuity - service and age - conditions.

A member is entitled to a retirement annuity after having at least 8 years of creditable service.

A member who has at least 35 years of creditable service may claim his or her retirement annuity at any age. A member having at least 8 years of creditable service but less than 35 may claim his or her retirement annuity upon or after attainment of age 60 or,

beginning January 1, 2001, any lesser age which, when added to the number of years of his or her creditable service, equals at least 85. A member upon or after attainment of age 55 having at least 25 years 30 years of creditable service (30 years if retirement is before January 1, 2001) may elect to receive the lower retirement annuity provided in paragraph (c) of Section 14-108 of this Code. For purposes of the rule of 85, portions of years shall be counted in whole months.

The allowance shall begin with the first full calendar month specified in the member's application therefor, the first day of which shall not be before the date of withdrawal as approved by the board. Regardless of the date of withdrawal, the allowance need not

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begin within one year of application therefor.

(Source: P.A. 82-342.)

(40 ILCS 5/14-108) (from Ch. 108 1/2, par. 14-108)

Sec. 14-108. Amount of retirement annuity. A member who has contributed to the System for at least 12 months shall be entitled to a prior service annuity for each year of certified prior service credited to him, except that a member shall receive 1/3 of the prior service annuity for each year of service for which contributions have been made and all of such annuity shall be payable after the member has made contributions for a period of 3 years. Proportionate amounts shall be payable for service of less than a full year after completion of at least 12 months.

The total period of service to be considered in establishing the measure of prior service annuity shall include service credited in the Teachers' Retirement System of the State of Illinois and the State Universities Retirement System for which contributions have been made by the member to such systems; provided that at least 1 year of the total period of 3 years prescribed for the allowance of a full measure of prior service annuity shall consist of membership service in this system for which credit has been granted.

(a) In the case of a member who retires on or after January 1, 1998 and is a noncovered employee, the retirement annuity for membership service and prior service shall be 2.2% of final average compensation for each year of service. Any service credit established as a covered employee shall be computed as stated in paragraph (b).

(b) In the case of a member who retires on or after January 1, 1998 and is a covered employee, the retirement annuity for membership service and prior service shall be computed as stated in paragraph (a) for all service credit established as a noncovered employee; for service credit established as a covered employee it shall be 1.67% of final average compensation for each year of service.

(c) For a member ~~with 30 but less than 35 years of creditable service~~ retiring after attaining age 55 but before age 60 with at least 30 but less than 35 years of creditable service if retirement is before January 1, 2001, or with at least 25 but less than 30 years of creditable service if retirement is on or after January 1, 2001, the retirement annuity shall be reduced by 1/2 of 1% for each month that the member's age is under age 60 at the time of retirement.

(d) A retirement annuity shall not exceed 75% of final average compensation, subject to such extension as may result from the application of Section 14-114 or Section 14-115.

(e) The retirement annuity payable to any covered employee who is a member of the System and in service on January 1, 1969, or in service thereafter in 1969 as a result of legislation enacted by the Illinois General Assembly transferring the member to State employment from county employment in a county Department of Public Aid in counties of 3,000,000 or more population, under a plan of coordination with the Old Age, Survivors and Disability provisions thereof, if not fully insured for Old Age Insurance payments under the Federal Old Age, Survivors and Disability Insurance provisions at the date of acceptance of a retirement annuity, shall not be less than the amount for which the member would have been eligible if coordination were not applicable.

(f) The retirement annuity payable to any covered employee who is a member of the System and in service on January 1, 1969, or in service thereafter in 1969 as a result of the legislation designated in the immediately preceding paragraph, if fully insured for Old Age Insurance payments under the Federal Social Security Act at the date of acceptance of a retirement annuity, shall not be less than an

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amount which when added to the Primary Insurance Benefit payable to the member upon attainment of age 65 under such Federal Act, will equal the annuity which would otherwise be payable if the coordinated plan of coverage were not applicable.

(g) In the case of a member who is a noncovered employee, the retirement annuity for membership service as a security employee of the Department of Corrections or security employee of the Department of Human Services shall be 1.9% of final average compensation for each of the first 10 years of service,  $\pm$  2.1% for each of the next 10 years of service,  $\pm$  2.25% for each year of service in excess of 20 but not exceeding 30,  $\pm$  and 2.5% for each year in excess of 30; except that the annuity may be calculated under subsection (a) rather than this subsection (g) if the resulting annuity is greater.

(h) In the case of a member who is a covered employee, the retirement annuity for membership service as a security employee of the Department of Corrections or security employee of the Department of Human Services shall be 1.67% of final average compensation for each of the first 10 years of service,  $\pm$  1.90% for each of the next 10 years of service,  $\pm$  2.10% for each year of service in excess of 20 but not exceeding 30,  $\pm$  and 2.30% for each year in excess of 30.

(i) For the purposes of this Section and Section 14-133 of this Act, the term "security employee of the Department of Corrections" and the term "security employee of the Department of Human Services" shall have the meanings ascribed to them in subsection (c) of Section 14-110.

(j) The retirement annuity computed pursuant to paragraphs (g) or (h) shall be applicable only to those security employees of the Department of Corrections and security employees of the Department of Human Services who have at least 20 years of membership service and who are not eligible for the alternative retirement annuity provided

under Section 14-110. However, persons transferring to this System under Section 14-108.2 who have service credit under Article 16 of this Code may count such service toward establishing their eligibility under the 20-year service requirement of this subsection; but such service may be used only for establishing such eligibility, and not for the purpose of increasing or calculating any benefit.

(k) (Blank).

(l) The changes to this Section made by this amendatory Act of 1997 (changing certain retirement annuity formulas from a stepped rate to a flat rate) apply to members who retire on or after January 1, 1998, without regard to whether employment terminated before the effective date of this amendatory Act of 1997. An annuity shall not be calculated in steps by using the new flat rate for some steps and the superseded stepped rate for other steps of the same type of service.

(Source: P.A. 89-507, eff. 7-1-97; 90-65, eff. 7-7-97; 90-448, eff. 8-16-97; 90-655, eff. 7-30-98.)

(40 ILCS 5/14-114) (from Ch. 108 1/2, par. 14-114)

Sec. 14-114. Automatic increase in retirement annuity.

(a) Any person receiving a retirement annuity under this Article who retires having attained age 60, or who retires before age 60 having at least 35 years of creditable service, or who retires on or after January 1, 2001 at an age which, when added to the number of years of his or her creditable service, equals at least 85, shall, on January 1, next following the first full year of retirement, have the amount of the then fixed and payable monthly retirement annuity increased 3%. Any person receiving a retirement annuity under this Article who retires before attainment of age 60 and with less than (i) 35 years of creditable service if retirement is before January 1, 2001, or (ii) the number of years of creditable service which, when

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added to the member's age, would equal 85, if retirement is on or after January 1, 2001, shall have the amount of the fixed and payable retirement annuity increased by 3% on the January 1 occurring on or next following (1) attainment of age 60, or (2) the first anniversary of retirement, whichever occurs later. However, for persons who receive the alternative retirement annuity under Section 14-110, references in this subsection (a) to attainment of age 60 shall be deemed to refer to attainment of age 55. For a person receiving early retirement incentives under Section 14-108.3 whose retirement annuity began after January 1, 1992 pursuant to an extension granted under subsection (e) of that Section, the first anniversary of retirement shall be deemed to be January 1, 1993.

On each January 1 following the date of the initial increase under this subsection, the employee's monthly retirement annuity shall be increased by an additional 3%.

Beginning January 1, 1990, all automatic annual increases payable under this Section shall be calculated as a percentage of the total annuity payable at the time of the increase, including previous increases granted under this Article.

(b) The provisions of subsection (a) of this Section shall be applicable to an employee only if the employee makes the additional

contributions required after December 31, 1969 for the purpose of the automatic increases for not less than the equivalent of one full year. If an employee becomes an annuitant before his additional contributions equal one full year's contributions based on his salary at the date of retirement, the employee may pay the necessary balance of the contributions to the system, without interest, and be eligible for the increasing annuity authorized by this Section.

(c) The provisions of subsection (a) of this Section shall not be applicable to any annuitant who is on retirement on December 31, 1969, and thereafter returns to State service, unless the member has established at least one year of additional creditable service following reentry into service.

(d) In addition to other increases which may be provided by this Section, on January 1, 1981 any annuitant who was receiving a retirement annuity on or before January 1, 1971 shall have his retirement annuity then being paid increased \$1 per month for each year of creditable service. On January 1, 1982, any annuitant who began receiving a retirement annuity on or before January 1, 1977, shall have his retirement annuity then being paid increased \$1 per month for each year of creditable service.

On January 1, 1987, any annuitant who began receiving a retirement annuity on or before January 1, 1977, shall have the monthly retirement annuity increased by an amount equal to 8¢ per year of creditable service times the number of years that have elapsed since the annuity began.

(e) Every person who receives the alternative retirement annuity under Section 14-110 and who is eligible to receive the 3% increase under subsection (a) on January 1, 1986, shall also receive on that date a one-time increase in retirement annuity equal to the difference between (1) his actual retirement annuity on that date, including any increases received under subsection (a), and (2) the amount of retirement annuity he would have received on that date if the amendments to subsection (a) made by Public Act 84-162 had been in effect since the date of his retirement.

(Source: P.A. 86-273; 87-1265.)

(40 ILCS 5/16-132) (from Ch. 108 1/2, par. 16-132)

Sec. 16-132. Retirement annuity eligibility. A member who has at least 20 years of creditable service is entitled to a retirement annuity upon or after attainment of age 55. A member who has at

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least 10 but less than 20 years of creditable service is entitled to a retirement annuity upon or after attainment of age 60. A member who has at least 5 but less than 10 years of creditable service is entitled to a retirement annuity upon or after attainment of age 62. A member who (i) has earned during the period immediately preceding the last day of service at least one year of contributing creditable service as an employee of a department as defined in Section 14-103.04, (ii) has earned at least 5 years of contributing creditable service as an employee of a department as defined in Section 14-103.04, and (iii) retires on or after January 1, 2001 is entitled to a retirement annuity upon or after attainment of an age which, when added to the number of years of his or her total

creditable service, equals at least 85. Portions of years shall be counted as decimal equivalents.

A member who is eligible to receive a retirement annuity of at least 74.6% of final average salary and will attain age 55 on or before December 31 during the year which commences on July 1 shall be deemed to attain age 55 on the preceding June 1.

A member meeting the above eligibility conditions is entitled to a retirement annuity upon written application to the board setting forth the date the member wishes the retirement annuity to commence. However, the effective date of the retirement annuity shall be no earlier than the day following the last day of creditable service, regardless of the date of official termination of employment. To be eligible for a retirement annuity, a member shall not be employed as a teacher in the schools included under this System or under Article 17, unless the member is disabled (in which event, eligibility for salary must cease), or unless the System is required by federal law to commence payment due to the member's age; the changes to this sentence made by this amendatory Act of 1991 shall apply without regard to whether the member terminated employment before or after its effective date.

(Source: P.A. 90-582, eff. 5-27-98.)

(40 ILCS 5/16-133) (from Ch. 108 1/2, par. 16-133)

Sec. 16-133. Retirement annuity; amount.

(a) The amount of the retirement annuity shall be the larger of the amounts determined under paragraphs (A) and (B) below:

(A) An amount consisting of the sum of the following:

(1) An amount that can be provided on an actuarially equivalent basis by the member's accumulated contributions at the time of retirement; and

(2) The sum of (i) the amount that can be provided on an actuarially equivalent basis by the member's accumulated contributions representing service prior to July 1, 1947, and (ii) the amount that can be provided on an actuarially equivalent basis by the amount obtained by multiplying 1.4 times the member's accumulated contributions covering service subsequent to June 30, 1947; and

(3) If there is prior service, 2 times the amount that would have been determined under subparagraph (2) of paragraph (A) above on account of contributions which would have been made during the period of prior service creditable to the member had the System been in operation and had the member made contributions at the contribution rate in effect prior to July 1, 1947.

(B) An amount consisting of the greater of the following:

(1) For creditable service earned before July 1, 1998 that has not been augmented under Section 16-129.1: 1.67% of final average salary for each of the first 10 years of creditable service, 1.90% of final average salary for each

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year in excess of 10 but not exceeding 20, 2.10% of final average salary for each year in excess of 20 but not exceeding 30, and 2.30% of final average salary for each

year in excess of 30; and

For creditable service earned on or after July 1, 1998 by a member who has at least 24 years of creditable service on July 1, 1998 and who does not elect to augment service under Section 16-129.1: 2.2% of final average salary for each year of creditable service earned on or after July 1, 1998 but before the member reaches a total of 30 years of creditable service and 2.3% of final average salary for each year of creditable service earned on or after July 1, 1998 and after the member reaches a total of 30 years of creditable service; and

For all other creditable service: 2.2% of final average salary for each year of creditable service; or

(2) 1.5% of final average salary for each year of creditable service plus the sum \$7.50 for each of the first 20 years of creditable service.

The amount of the retirement annuity determined under this paragraph (B) shall be reduced by 1/2 of 1% for each month that the member is less than age 60 at the time the retirement annuity begins. However, this reduction shall not apply (i) if the member has at least 35 years of creditable service, or (ii) if the member retires on account of disability under Section 16-149.2 of this Article with at least 20 years of creditable service, or (iii) if the member (1) has earned during the period immediately preceding the last day of service at least one year of contributing creditable service as an employee of a department as defined in Section 14-103.04, (2) has earned at least 5 years of contributing creditable service as an employee of a department as defined in Section 14-103.04, (3) retires on or after January 1, 2001, and (4) retires having attained an age which, when added to the number of years of his or her total creditable service, equals at least 85. Portions of years shall be counted as decimal equivalents.

(b) For purposes of this Section, final average salary shall be the average salary for the highest 4 consecutive years within the last 10 years of creditable service as determined under rules of the board. The minimum final average salary shall be considered to be \$2,400 per year.

In the determination of final average salary for members other than elected officials and their appointees when such appointees are allowed by statute, that part of a member's salary for any year beginning after June 30, 1979 which exceeds the member's annual full-time salary rate with the same employer for the preceding year by more than 20% shall be excluded. The exclusion shall not apply in any year in which the member's creditable earnings are less than 50% of the preceding year's mean salary for downstate teachers as determined by the survey of school district salaries provided in Section 2-3.103 of the School Code.

(c) In determining the amount of the retirement annuity under paragraph (B) of this Section, a fractional year shall be granted proportional credit.

(d) The retirement annuity determined under paragraph (B) of this Section shall be available only to members who render teaching service after July 1, 1947 for which member contributions are required, and to annuitants who re-enter under the provisions of Section 16-150.

(e) The maximum retirement annuity provided under paragraph (B)

of this Section shall be 75% of final average salary.

(f) A member retiring after the effective date of this amendatory Act of 1998 shall receive a pension equal to 75% of final average salary if the member is qualified to receive a retirement annuity equal to at least 74.6% of final average salary under this Article or as proportional annuities under Article 20 of this Code.

(Source: P.A. 90-582, eff. 5-27-98; 91-17, eff. 6-4-99; 91-887, eff. 7-6-00.)

(40 ILCS 5/16-133.1) (from Ch. 108 1/2, par. 16-133.1)

Sec. 16-133.1. Automatic annual increase in annuity.

(a) Each member with creditable service and retiring on or after August 26, 1969 is entitled to the automatic annual increases in annuity provided under this Section while receiving a retirement annuity or disability retirement annuity from the system.

An annuitant shall first be entitled to an initial increase under this Section on the January 1 next following the first anniversary of retirement, or January 1 of the year next following attainment of age 61, whichever is later. At such time, the system shall pay an initial increase determined as follows:

(1) 1.5% of the originally granted retirement annuity or disability retirement annuity multiplied by the number of years elapsed, if any, from the later of (1) attainment of age 55, or ~~(2) the date of retirement, until January 1, 1972, plus~~

(2) 2% of the originally granted annuity multiplied by the number of years elapsed, if any, from the date of retirement or between January 1, 1972, whichever is later, until and ~~between~~ January 1, 1978, plus

(3) 3% of the originally granted annuity multiplied by the number of years elapsed from the date of retirement or between January 1, 1978, whichever is later, until and ~~between~~ the effective date of the initial increase.

However, the initial annual increase calculated under this Section for the recipient of a disability retirement annuity granted under Section 16-149.2 shall be reduced by an amount equal to the total of all increases in that annuity received under Section 16-149.5 (but not exceeding 100% of the amount of the initial increase otherwise provided under this Section).

Following the initial increase, automatic annual increases in annuity shall be payable on each January 1 thereafter during the lifetime of the annuitant, determined as a percentage of the originally granted retirement annuity or disability retirement annuity for increases granted prior to January 1, 1990, and calculated as a percentage of the total amount of annuity, including previous increases under this Section, for increases granted on or after January 1, 1990, as follows: 1.5% for periods prior to January 1, 1972, 2% for periods after December 31, 1971 and prior to January 1, 1978, and 3% for periods after December 31, 1977.

(b) The automatic annual increases in annuity provided under this Section shall not be applicable unless a member has made contributions toward such increases for a period equivalent to one full year of creditable service. If a member contributes for service

performed after August 26, 1969 but the member becomes an annuitant before such contributions amount to one full year's contributions based on the salary at the date of retirement, he or she may pay the necessary balance of the contributions to the system and be eligible for the automatic annual increases in annuity provided under this Section.

(c) Each member shall make contributions toward the cost of the automatic annual increases in annuity as provided under Section 16-152.

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(d) An annuitant receiving a retirement annuity or disability retirement annuity on July 1, 1969, who subsequently re-enters service as a teacher is eligible for the automatic annual increases in annuity provided under this Section if he or she renders at least one year of creditable service following the latest re-entry.

(e) In addition to the automatic annual increases in annuity provided under this Section, an annuitant who meets the service requirements of this Section and whose retirement annuity or disability retirement annuity began on or before January 1, 1971 shall receive, on January 1, 1981, an increase in the annuity then being paid of one dollar per month for each year of creditable service. On January 1, 1982, an annuitant whose retirement annuity or disability retirement annuity began on or before January 1, 1977 shall receive an increase in the annuity then being paid of one dollar per month for each year of creditable service.

On January 1, 1987, any annuitant whose retirement annuity began on or before January 1, 1977, shall receive an increase in the monthly retirement annuity equal to 8¢ per year of creditable service times the number of years that have elapsed since the annuity began. (Source: P.A. 86-273; 86-1488.)

Section 99. Effective date. This Act takes effect upon becoming law."

The motion prevailed and the amendment was adopted and ordered printed.

And **House Bill No. 1582**, as amended, was returned to the order of third reading.

#### **READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME**

On motion of Senator R. Madigan, **House Bill No. 1582** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 58; Nays None.

The following voted in the affirmative:

Bomke  
Bowles

Burzynski  
Clayborne  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpiel

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Klemm  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan, L.  
Madigan, R.  
Mahar  
Mitchell  
Molaro  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Ronen  
Roskam  
Shadid  
Shaw  
Sieben  
Silverstein  
Smith  
Sullivan  
Syverson  
Trotter  
Viverito  
Walsh, L.

Walsh, T.  
Watson  
Weaver  
Welch  
Mr. President

This bill, having received the vote of three-fifths of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the title be as aforesaid, and that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Klemm, **House Bill No. 3612** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 57; Nays None; Present 1.

The following voted in the affirmative:

Bomke  
Bowles  
Burzynski  
Clayborne

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Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpel  
Klemm  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan, L.  
Madigan, R.  
Mahar

Mitchell  
Molaro  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Ronen  
Roskam  
Shaw  
Sieben  
Silverstein  
Smith  
Sullivan  
Syverson  
Trotter  
Viverito  
Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Welch  
Mr. President

The following voted present:

Shadid

This bill, having received the vote of three-fifths of the members elected, was declared passed, and all amendments not adopted

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were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the title be as aforesaid, and that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendments adopted thereto.

On motion of Senator Peterson, **House Bill No. 3619**, having been printed as received from the House of Representatives, together with all Senate amendments adopted thereto, was taken up and read by title a third time.

Pending roll call on motion of Senator Peterson, further consideration of **House Bill No. 3619** was postponed.

On motion of Senator Radogno, **House Bill No. 4347** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title

a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 58; Nays None.

The following voted in the affirmative:

Bomke  
Bowles  
Burzynski  
Clayborne  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpel  
Klemm  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan, L.  
Madigan, R.  
Mahar  
Mitchell  
Molaro  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka

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Radogno  
Rauschenberger  
Ronen  
Roskam  
Shadid  
Shaw

Sieben  
Silverstein  
Smith  
Sullivan  
Syverson  
Trotter  
Viverito  
Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Welch  
Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

#### REPORT FROM RULES COMMITTEE

Senator Weaver, Chairperson of the Committee on Rules, reported that the following Legislative Measure has been approved for consideration:

Senate Amendment No. 2 to House Bill 1284

The foregoing floor amendment was placed on the Secretary's Desk.

#### HOUSE BILLS RECALLED

On motion of Senator Philip, **House Bill No. 4659** was recalled from the order of third reading to the order of second reading.

Senator Philip offered the following amendment and moved its adoption:

#### AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 4659 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Public Labor Relations Act is amended by changing Section 15 as follows:

(5 ILCS 315/15) (from Ch. 48, par. 1615)

Sec. 15. Act Takes Precedence.

(a) In case of any conflict between the provisions of this Act and any other law, executive order or administrative regulation relating to wages, hours and conditions of employment and employment relations, the provisions of this Act or any collective bargaining agreement negotiated thereunder shall prevail and control. Nothing in this Act shall be construed to replace or diminish the rights of employees established by Sections 28 and 28a of the Metropolitan Transit Authority Act, Sections 2.15 through 2.19 of the Regional

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Transportation Authority Act.

(b) Except as provided in subsection (a) above, any collective bargaining contract between a public employer and a labor organization executed pursuant to this Act shall supersede any contrary statutes, charters, ordinances, rules or regulations relating to wages, hours and conditions of employment and employment relations adopted by the public employer or its agents. Any collective bargaining agreement entered into prior to the effective date of this Act shall remain in full force during its duration.

(b-5) Notwithstanding this or any other law, executive order, administrative regulation, or collective bargaining agreement to the contrary, in the case of a conflict between this Section and Section 3-7-2.5 of the Unified Code of Corrections, the provisions of that Section shall prevail.

(c) It is the public policy of this State, pursuant to paragraphs (h) and (i) of Section 6 of Article VII of the Illinois Constitution, that the provisions of this Act are the exclusive exercise by the State of powers and functions which might otherwise be exercised by home rule units. Such powers and functions may not be exercised concurrently, either directly or indirectly, by any unit of local government, including any home rule unit, except as otherwise authorized by this Act.

(Source: P.A. 83-1012.)

Section 10. The Unified Code of Corrections is amended by adding Section 3-7-2.5 as follows:

(730 ILCS 5/3-7-2.5 new)

Sec. 3-7-2.5. Zero tolerance drug policy.

(a) No less than 20% of all employees and administrative officers of the Department shall be randomly tested for the presence of drugs once per year. "Employee" includes a Department employee who meets one or more of the following criteria:

(1) the employee is responsible for the care, custody, or supervision of a committed person; or

(2) the employee works within a correctional institution as defined in subsection (d) of Section 3-1-2; or

(3) the employee has regular contact with committed persons as defined in subsection (c) of Section 3-1-2; or

(4) the employee has the opportunity to smuggle drugs to committed persons; or

(5) the employee is authorized to carry a firearm; or

(6) the employee is eligible for the security retirement formula.

(b) Notwithstanding a contractual provision or Section 15 of the Illinois Public Labor Relations Act to the contrary, if an employee or officer refuses to take a drug test, or if a drug test administered to an employee or officer shows a positive result, then the employee or officer shall be terminated from employment. Such termination shall be in accordance with established Departmental procedures.

(c) Notwithstanding a contractual provision or Section 15 of the Illinois Public Labor Relations Act to the contrary, an employee or officer discharged from the Department for failure to take a drug test or for a positive test result may not be rehired.

(d) This Section shall not be construed to limit drug testing if

there is reasonable suspicion that an employee or officer is under the influence of or using alcohol or an unauthorized drug. This Section may not be construed to limit post-accident testing or to limit the testing of an applicant for employment.

(e) Every person, including a correctional officer or administrative officer, entering a Department facility shall be

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subject to a search for drugs and contraband, either by a person, by a machine, or by a drug dog.

(f) A person observed committing a crime may be referred to the State's Attorney's Office for prosecution. Every violation shall be reported to the Director or his or her designee.

(g) A notice shall be posted at each Department facility that anyone entering the facility may be subject to a body cavity search.

(h) Any person who refuses to be searched shall not be allowed to enter the Department facility.

Section 99. Effective date. This Act takes effect July 1, 2001."

The motion prevailed and the amendment was adopted and ordered printed.

And **House Bill No. 4659**, as amended, was returned to the order of third reading.

On motion of Senator E. Jones, **House Bill No. 1284** was recalled from the order of third reading to the order of second reading.

Senator Philip offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 1284 by replacing the title with the following:

"AN ACT in relation to sports facilities."; and by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Sports Facilities Authority Act is amended by changing Sections 1, 2, 3, 8, 9, 10, 11, 13, 15, 16, 17, 19, and 20 and adding Section 7.8 as follows:

(70 ILCS 3205/1) (from Ch. 85, par. 6001)

Sec. 1. Short title. This Act ~~shall be known and~~ may be cited as the "Illinois Sports Facilities Authority Act".

(Source: P.A. 84-1470.)

(70 ILCS 3205/2) (from Ch. 85, par. 6002)

Sec. 2. Definitions; general provisions. In this Act the following words have the meanings indicated:

(A) "Authority" means the Illinois Sports Facilities Authority.

(B) "Facility" means:

(1) Stadiums, arenas or other structures for the holding of athletic contests and other ~~or~~ events and gatherings, including, without limitation, baseball, football and automobile racing; musical, dramatic and other artistic, cultural or social events; public meetings; and other public events; and

(2) Practice fields, or other areas where professional

sports teams and other sports teams may practice or perform.

(3) "Facility" also means the following types of property if that property is directly related to or located near an item listed in paragraphs (1) and through (2) of subsection (B) of this Section:

(i) Offices, parking lots and garages, access roads, streets, intersections, highway interchanges, pedestrian walkways, tunnels, and bridges, transportation facilities, monuments, restaurants, and stores, and other facilities providing goods and services to persons attending meetings, contests, gatherings or events at the facility;

(ii) Other recreation areas and recreational facilities; and

(iii) Other property or structures including all fixtures, furnishings, and appurtenances normally associated

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with such facilities; and

(iv) Landscaping, parks, and open spaces.

(C) "Governmental Owner" means a body politic, public corporation, political subdivision, unit of local government, or municipality formed under the laws of the State of Illinois, including, without limitation, the Chicago Park District, that owns or is to own a facility located within the corporate limits of the Authority described in Section 11 of this Act and to which the Authority provides financial assistance. Where the title to all or any part of a facility is held by a public building commission because the public building commission has financed, under the authority of the Public Building Commission Act, the acquisition of real estate or the construction, acquisition, or enlargement of improvements to real estate, or both, for any body politic, public corporation, political subdivision, unit of local government, or municipality formed under the laws of the State of Illinois, the term "governmental owner" when used with respect to that facility means the body politic, public corporation, political subdivision, unit of local government, or municipality rather than the public building commission.

(D) "Management Agreement" means a legally binding contract between the Authority and a tenant of a ~~the~~ facility owned by the Authority, which contains at least the following provisions:

(1) a provision requiring the tenant to conduct its complete regular home season schedule and any home playoff events in the facility;

(2) a provision requiring the tenant to provide routine maintenance of and to operate the facility with its personnel or contractors;

(3) a provision requiring the tenant to advertise and promote events it conducts at the facility;

(4) a provision requiring the tenant to operate or contract for concessions for the patrons of the facility, including a stadium club and restaurant where food and beverages will be served; and

(5) a provision permitting the Authority or its designee,

to hold other events in any such facility owned by the Authority at such times as shall not unreasonably interfere with the use of that facility by the tenant ~~thereof by the tenant~~.

(E) "Assistance Agreement" means one or more legally binding contracts, with respect to a facility for which the Authority is to provide financial assistance as provided in this Act, to which the Authority and a governmental owner of a facility or its tenant, or both, and any other appropriate persons are parties, which may be in the form of an intergovernmental agreement.

(F) "Financial Assistance" means the use by the Authority, pursuant to an assistance agreement, of its powers under this Act, including, without limitation, the power to borrow money, to issue bonds and notes, to impose an occupation tax as provided in Section 19 of this Act and to receive and expend the proceeds of that tax, to assist a governmental owner or its tenant, or both, with one or more of the following: designing, developing, establishing, constructing, erecting, acquiring, repairing, reconstructing, renovating, remodeling, adding to, extending, improving, equipping, operating, and maintaining a facility owned or to be owned by the governmental owner.

(G) "Tenant" means any person with which a governmental owner or the Authority has entered into an agreement for the use by a professional sports team or other sports team of any facility. Such an agreement may be a management agreement or an assistance agreement

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or may be a lease of or a license, permit, or similar agreement with respect to the use of a facility by such team for such period as shall be agreed upon by the person and the governmental owner or the Authority, as the case may be.

(Source: P.A. 85-1034.)

(70 ILCS 3205/3) (from Ch. 85, par. 6003)

Sec. 3. Legislative Finding and Declaration. It is hereby found that as a result of deteriorating infrastructure and sports facilities in the metropolitan area of Chicago, there is a shortage of ~~sports~~ facilities suitable for use by professional and other sports teams and ~~other~~ musical, theatrical, cultural, and other social organizations.

It is further found that as a result of the costs to maintain, repair or replace such infrastructure and facilities, and as a result of current high financing costs, the private sector, without the assistance contemplated in this Act, is unable to construct feasibly adequate sports facilities.

It is further found that the creation of modern sports facilities and the other results contemplated by this Act would stimulate economic activity in the State of Illinois, including the creation and maintenance of jobs, the creation of new and lasting infrastructure and other improvements, and the attraction and retention of sports and entertainment events which generate economic activity.

It is further found that professional sports facilities can be magnets for substantial interstate tourism resulting in increased retail sales, hotel and restaurant sales, and entertainment industry

sales, all of which increase jobs and economic growth.

It is further found that only three major league professional baseball franchises play in stadium facilities the construction of which has not been government-assisted and of those three the most recently constructed facility was completed in 1914.

It is further found that government assistance was or is an essential component in the financing of the construction of most recently built or planned National Football League stadiums.

It is further found that the exercise by the Authority and governmental owners of the additional powers conferred by this amendatory Act of the 91st General Assembly (i) will materially assist the development and redevelopment of government owned sports facilities and thereby alleviate in part the deleterious conditions and confer the public benefits described in this Section and (ii) is in the public interest and is declared to be for public purposes.

(Source: P.A. 85-8.)

(70 ILCS 3205/7.8 new)

Sec. 7.8. Illinois Sports Facilities Authority Advisory Board.

(a) There is created the Illinois Sports Facilities Authority Advisory Board composed of 12 members who are members of the General Assembly and who are appointed 3 each by the President of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives.

(b) Members of the Advisory Board shall serve as long as they hold their designated elected positions. Vacancies shall be filled by appointment for the unexpired term in the same manner as original appointments are made. The Advisory Board shall elect its own chairperson.

(c) Members of the Advisory Board shall serve without compensation but, at the Authority's discretion, shall be reimbursed for necessary expenses in connection with the performance of their duties.

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(d) The Advisory Board shall meet quarterly, or as needed, shall produce any reports it deems necessary, and shall do the following:

(1) Work with the Authority and the Chicago Park District regarding potential means for providing increased economic opportunities to minorities and women produced indirectly or directly from the reconstruction, renovation, remodeling, extension, or improvement of a facility in connection with which the Authority is providing financial assistance pursuant to an assistance agreement under this Act.

(2) Work with the Authority and the Chicago Park District to find candidates for building trades apprenticeships, for employment in the hospitality industry, and to identify job training programs.

(3) Work with the Authority and the Chicago Park District to implement this Section in the reconstruction, renovation, remodeling, extension, or improvement of a facility in connection with which the Authority is providing financial assistance pursuant to an assistance agreement under this Act, including the

Authority's goal of awarding not less than 25% and 5% of the annual dollar value of contracts to minority and female owned businesses, the outreach program for minorities and women, and the mentor/protege program for providing assistance to minority and female owned businesses.

(e) Notwithstanding the provisions of subsection (b), the Advisory Board is dissolved (i) on January 1, 2004 or (ii) 6 months after 90 days after the first professional football game is played in the facility in connection with which the Authority provided financial assistance pursuant to an assistance agreement under this Act, whichever is later.

(70 ILCS 3205/8) (from Ch. 85, par. 6008)

Sec. 8. Powers. In addition to the powers set forth elsewhere in this Act, the Authority may:

- (1) Adopt and alter an official seal;
- (2) Sue and be sued, plead and be impleaded, all in its own name, and agree to binding arbitration of any dispute to which it is a party;
- (3) Adopt bylaws, rules, and regulations to carry out the provisions of this Section;
- (4) Maintain an office or offices at such place as the Authority may designate;
- (5) Employ, either as regular employees or independent contractors, consultants, engineers, architects, accountants, attorneys, financial experts, construction experts and personnel, superintendents, managers and other professional personnel, and such other personnel as may be necessary in the judgment of the Authority, and fix their compensation;
- (6) Determine the locations of, develop, design, establish, construct, erect, acquire, own, repair, reconstruct, renovate, remodel, add to, extend, improve, equip, operate, regulate and maintain facilities, and provide financial assistance to governmental owners or their tenants, or both, pursuant to an assistance agreement to do the foregoing, in each case to the extent necessary to accomplish the purposes of the Authority;
- (7) Acquire, hold, lease as lessor or as lessee, use, encumber, transfer, or dispose of real and personal property, including the alteration of or demolition of improvements to real estate;
- (8) Enter into contracts of any kind;
- (9) Regulate the use and operation of facilities that are developed under the provisions of this Act;

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(10) Enter into one or more management agreements which conform to the requirements of this Act and which may contain such provisions as the Authority shall determine, including, without limitation limit, (i) provisions allocating receipts from rents, rates, fees and charges for use of the facility or for services rendered in connection with the facility between the Authority and the tenant of the facility; (ii) provisions providing for or limiting payments to the Authority for use of the facility based on levels of attendance or and/or receipts, or

both attendance and receipts, of the tenant from admission charges, parking concessions, advertising, radio and television and other sources; (iii) provisions obligating the Authority to make payments to the tenant with respect to expenses of routine maintenance and operation of any facility and operating expenses of the tenant with respect to use of the facility; (iv) provisions requiring the Authority to pay liquidated damages to the tenant for failure of timely completion of construction of any new facility; (v) provisions permitting the Authority to grant rent-free occupancy of an existing facility pending completion of construction of any new facility and requiring the Authority to pay certain incremental costs of maintenance, repair, replacement and operation of an existing facility in the event of failure of timely completion of construction of any new facility; (vi) provisions requiring the Authority to reimburse the tenant for certain State and local taxes and provisions permitting reductions of payments due the Authority by the tenant or reimbursement of the tenant by the Authority in the event of imposition of certain new State and local taxes, ~~or, and/or~~ the increase above specified levels of certain existing State and local taxes, or both; (vii) provisions obligating the Authority to purchase tickets to events conducted by the tenant based upon specified attendance levels; (viii) provisions granting the tenant the right and option to extend the term of the management agreement; (ix) provisions creating an assignment and pledge by the Authority of certain of the Authority's revenues and receipts to be received under Section 19 of this Act for the benefit of the tenant of the facility as further security for performance by the Authority of its obligations under the management agreement; and (x) provisions requiring the establishment of reserves by the Authority or by the tenant, or both, as further security for the performance of their respective obligations under the management agreement;

(11) Enter into one or more assistance agreements that conform to the requirements of this Act and that may contain such provisions as the Authority shall determine establishing the rights and obligations of the Authority and the governmental owner or a tenant, or both, with respect to the facility for which the Authority is to provide financial assistance including, without limitation, such provisions as are described in paragraph (10) of this Section;

(12) Borrow money from any source for any corporate purpose, including working capital for its operations, reserve funds, or interest, and to mortgage, pledge or otherwise encumber the property or funds of the Authority and to contract with or engage the services of any person in connection with any financing, including financial institutions, issuers of letters of credit, or insurers and enter into reimbursement agreements with this person which may be secured as if money were borrowed from the person;

(13) ~~(12)~~ Issue bonds or notes under Section 13 of this

Act;

(14) ~~(13)~~ Receive and accept from any source, private or public, contributions, gifts, or grants of money or property;

(15) ~~(14)~~ Make loans from proceeds or funds otherwise available to the extent necessary or appropriate to accomplish the purposes of the Authority;

(16) ~~(15)~~ Provide for the insurance of any property, operations, officers, agents or employees of the Authority against any risk or hazard and to provide for the indemnification of its members, employees, contractors or agents against any and all risks;

(17) ~~(16)~~ Provide relocation assistance and compensation for landowners and their lessees ~~tenants~~ displaced by any land acquisition of the Authority, including the acquisition of land and construction of replacement housing thereon as the Authority shall determine;

(18) Sell, convey, lease, or grant a permit or license with respect to, or by agreement authorize another person on its behalf to sell, convey, lease, or grant a permit or license with respect to (A) the right to use or the right to purchase tickets to use, or any other interest in, any seat or area within a facility, (B) the right to name or place advertising in all or any part of a facility, or (C) any intangible personal property rights, including intellectual property rights, appurtenant to any facility, the proceeds of which are used for the purpose of carrying out the powers granted by the Act;

(19) Adopt such rules as are necessary to carry out those powers conferred and perform those duties required by this Act;

(20) ~~(17)~~ Exercise all the corporate powers granted Illinois corporations under the Business Corporation Act of 1983, except to the extent that powers are inconsistent with those of a body politic and corporate of the State; and

(21) ~~(18)~~ Do all things necessary or convenient to carry out the powers granted by this Act.

The Authority may not construct or enter into a contract to construct more than one new stadium facility and may not enter into assistance agreements providing for the reconstruction, renovation, remodeling, extension, or improvement of all or substantially all of more than one existing facility unless authorized by law.

The Authority may adopt such rules pursuant to the Illinois Administrative Procedure Act as are necessary to carry out those powers and duties conferred by this Act. The Authority may initially adopt, by January 1, 1989, such rules as emergency rules in accordance with the provisions of Section 5-45 of the Illinois Administrative Procedure Act. For purposes of the Illinois Administrative Procedure Act, the adoption of the initial rules shall be deemed to be an emergency and necessary for the public interest, safety and welfare.

(Source: P.A. 88-45.)

(70 ILCS 3205/9) (from Ch. 85, par. 6009)

Sec. 9. Duties. In addition to the powers set forth elsewhere in this Act, subject to the terms of any agreements with the holders of the Authority's bonds or notes, the Authority shall:

(1) Comply with all zoning, building, and land use controls of the municipality within which is located ~~it owns~~ any stadium facility owned by the Authority or for which the Authority provides financial assistance.†

(2) With respect to a facility owned or to be owned by the Authority, enter or have entered into a management agreement with a tenant of the Authority to operate the facility that requires

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the tenant to operate the facility for a period at least as long as the term of any bonds issued to finance the development, establishment, construction, erection, acquisition, repair, reconstruction, remodeling, adding to, extension, improvement, equipping, operation, and maintenance construction of the facility. Such agreement shall contain appropriate and reasonable provisions with respect to termination, default and legal remedies.†

(3) With respect to a facility owned or to be owned by a governmental owner other than the Authority, enter into an assistance agreement with either a governmental owner of a facility or its tenant, or both, that requires the tenant, or if the tenant is not a party to the assistance agreement requires the governmental owner to enter into an agreement with the tenant that requires the tenant to use the facility for a period at least as long as the term of any bonds issued to finance the reconstruction, renovation, remodeling, extension or improvement of all or substantially all of the facility.

(4) ~~(3)~~ Create and maintain a separate financial reserve for repair and replacement of capital assets of any facility owned by the Authority or for which the Authority provides financial assistance and deposit into this reserve not less than \$1,000,000 per year for each such facility beginning at such time as the Authority and the tenant, or the Authority and a governmental owner of a facility, as applicable, shall agree.†

~~(4) Acquire a site or sites for a facility reasonably accessible to the interested public and capable of providing adequate spaces for automobile parking;~~

(5) In connection with prequalification of general contractors for the construction of a new stadium facility or the reconstruction, renovation, remodeling, extension, or improvement of all or substantially all of an existing construction of the new stadium facility, the Authority shall require submission of a commitment detailing how the general contractor will expend 25% or more of the dollar value of the general contract with one or more minority business enterprises and 5% or more of the dollar value with one or more female business enterprises. This commitment may be met by contractor's status as a minority business enterprise or female business enterprise, by a joint venture or by subcontracting a portion of the work with or by purchasing materials for the work from one or more such enterprises, or by any combination thereof. Any contract with the general contractor for construction of the new stadium facility and any contract for the reconstruction, renovation, remodeling, adding to, extension or improvement of all or substantially all of an existing facility shall require the general contractor to meet the foregoing obligations and shall require monthly reporting to the Authority with respect to the

status of the implementation of the contractor's affirmative action plan and compliance with that plan. This report shall be filed with the General Assembly. The Authority shall establish and maintain an affirmative action program designed to promote equal employment opportunity which specifies the goals and methods for increasing participation by minorities and women in a representative mix of job classifications required to perform the respective contracts. The Authority shall file a report before March 1 of each year with the General Assembly detailing its implementation of this paragraph. The terms "minority business enterprise" and "female business enterprise" shall have the same meanings as "minority owned business" and "female owned

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business", respectively, as defined provided in the Minority and Female Business Enterprise for Minorities, Females, and Persons with Disabilities Act.†

(6) Provide for the construction of any new facility pursuant to one or more contracts which require delivery of a completed facility at a fixed maximum price to be insured or guaranteed by a third party determined by the Authority to be financially capable of causing completion of such construction of the new facility ~~construction of such a facility.~~

In connection with any assistance agreement with a governmental owner that provides financial assistance for a facility to be used by a National Football League team, the assistance agreement shall provide that the Authority or its agent shall enter into the contract or contracts for the design and construction services or design/build services for such facility and thereafter transfer its rights and obligations under the contract or contracts to the governmental owner of the facility. In seeking parties to provide design and construction services or design/build services with respect to such facility, the Authority may use such procurement procedures as it may determine, including, without limitation, the selection of design professionals and construction managers or design/builders as may be required by a team that is at risk, in whole or in part, for the cost of design and construction of the facility.

An assistance agreement may not provide, directly or indirectly, for the payment to the Chicago Park District of more than a total of \$10,000,000 on account of the District's loss of property or revenue in connection with the renovation of a facility pursuant to the assistance agreement.

(Source: P.A. 85-1034; revised 8-23-99.)

(70 ILCS 3205/10) (from Ch. 85, par. 6010)

Sec. 10. Reporting.

(1) Promptly following entering into a management agreement or an assistance agreement ~~and a construction contract~~ involving a new facility or facility site, the Authority shall submit a detailed written report and findings of the Authority with respect to the proposed management agreement or assistance agreement ~~contract~~ to the General Assembly.

(2) The report and findings of the Authority shall include:

(i) ~~(I)~~ A detailed plan of the method of funding the

management agreement or assistance agreement ~~contract~~;

(ii) (II) An evaluation of the economic consequences of the proposed management agreement or assistance agreement ~~contract~~; and

(iii) (III) If applicable, an analysis of the reasons for acquiring a site for constructing a new facility.

(Source: P.A. 85-1034.)

(70 ILCS 3205/11) (from Ch. 85, par. 6011)

Sec. 11. Territory. The corporate limits of territory within which the Authority may construct facilities shall be coterminous with the boundaries of the City of Chicago. Facilities constructed by the Authority or for which the Authority provides financial assistance may be located only within the corporate limits of the Authority. The territory of the Authority shall be coterminous with the boundaries of the City of Chicago.

(Source: P.A. 85-8.)

(70 ILCS 3205/13) (from Ch. 85, par. 6013)

Sec. 13. Bonds and notes.

(A) (1) The Authority may at any time and from time to time issue bonds and notes for any corporate purpose, including the establishment of reserves and the payment of interest and costs of

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issuance. In this Act the term "bonds" includes notes of any kind, interim certificates, refunding bonds, or any other evidence of obligation for borrowed money issued under this Section 13. Bonds may be issued in one or more series and may be payable and secured either on a parity with or separately from other bonds.

(2) The bonds of any issue shall be payable solely from all or any part of the property or revenues of the Authority, including, without limitation:

(i) (I) Rents, rates, fees, charges or other revenues payable to or any receipts of the Authority, including amounts which are deposited pursuant to the Act with a trustee for bondholders;

(ii) (II) Payments by financial institutions, insurance companies, or others pursuant to letters or lines of credit, policies of insurance, or purchase agreements;

(iii) (III) Investment earnings from funds or accounts maintained pursuant to a bond resolution or trust agreement; and

(iv) (IV) Proceeds of refunding bonds.

(3) Bonds may be authorized by a resolution of the Authority and may be secured by a trust agreement by and between the Authority and a corporate trustee or trustees, which may be any trust company or bank having the powers of a trust company within or without the State. Bonds may:

(i) (I) Mature at a time or times, whether as serial bonds or as term bonds or both, not exceeding 40 years from their respective dates of issue;

(ii) (II) Notwithstanding the provision of "An Act to authorize public corporations to issue bonds, other evidences of indebtedness and tax anticipation warrants subject to interest rate limitations set forth therein", approved May 26, 1970, as

now or hereafter amended, or any other provision of law, bear interest at any fixed or variable rate or rates determined by the method provided in the resolution or trust agreement;

(iii) ~~(III)~~ Be payable at a time or times, in the denominations and form, either coupon or registered or both, and carry the registration and privileges as to exchange, transfer or conversion and for the replacement of mutilated, lost, or destroyed bonds as the resolution or trust agreement may provide;

(iv) ~~(IV)~~ Be payable in lawful money of the United States at a designated place;

(v) ~~(V)~~ Be subject to the terms of purchase, payment, redemption, refunding or refinancing that the resolution or trust agreement provides;

(vi) ~~(VI)~~ Be executed by the manual or facsimile signatures of the officers of the Authority designated by the Authority which signatures shall be valid at delivery even for one who has ceased to hold office; and

(vii) ~~(VII)~~ Be sold in the manner and upon the terms determined by the Authority.

(B) Any resolution or trust agreement may contain provisions which shall be a part of the contract with the holders of the bonds as to:

(1) Pledging, assigning or directing the use, investment, or disposition of all or any part of the revenues of the Authority or proceeds or benefits of any contract including, without limit, any management agreement or assistance agreement and conveying or otherwise securing any property or property rights;

(2) The setting aside of loan funding deposits, debt service reserves, capitalized interest accounts, replacement or operating reserves, cost of issuance accounts and sinking funds, and the

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regulation, investment, and disposition thereof;

(3) Limitations on the purposes to which or the investments in which the proceeds of sale of any issue of bonds or the Authority's revenues and receipts may be applied or made;

(4) Limitations on the issue of additional bonds, the terms upon which additional bonds may be issued and secured, the terms upon which additional bonds may rank on a parity with, or be subordinate or superior to, other bonds;

(5) The refunding, advance refunding or refinancing of outstanding bonds;

(6) The procedure, if any, by which the terms of any contract with bondholders may be altered or amended and the amount of bonds and holders of which must consent thereto, and the manner in which consent shall be given;

(7) Defining the acts or omissions which shall constitute a default in the duties of the Authority to holders of bonds and providing the rights or remedies of such holders in the event of a default which may include provisions restricting individual right of action by bondholders;

(8) Providing for guarantees, pledges of property, letters of credit, or other security, or insurance for the benefit of

bondholders; and

(9) Any other matter relating to the bonds which the Authority determines appropriate.

(C) No member of the Authority nor any person executing the bonds shall be liable personally on the bonds or subject to any personal liability by reason of the issuance of the bonds.

(D) The Authority may enter into agreements with agents, banks, insurers, or others for the purpose of enhancing the marketability of or security for its bonds.

(E) (1) A pledge by the Authority of revenues and receipts as security for an issue of bonds or for the performance of its obligations under any management agreement or assistance agreement shall be valid and binding from the time when the pledge is made.

(2) The revenues and receipts pledged shall immediately be subject to the lien of the pledge without any physical delivery or further act, and the lien of any pledge shall be valid and binding against any person having any claim of any kind in tort, contract or otherwise against the Authority, irrespective of whether the person has notice.

(3) No resolution, trust agreement, management agreement or assistance agreement or any financing statement, continuation statement, or other instrument adopted or entered into by the Authority need be filed or recorded in any public record other than the records of the Authority in order to perfect the lien against third persons, regardless of any contrary provision of law.

(F) The Authority may issue bonds to refund, advance refund or refinance any of its bonds then outstanding, including the payment of any redemption premium and any interest accrued or to accrue to the earliest or any subsequent date of redemption, purchase or maturity of the bonds. Refunding or advance refunding bonds may be issued for the public purposes of realizing savings in the effective costs of debt service, directly or through a debt restructuring, for alleviating impending or actual default, or for paying principal of, redemption premium, if any, and interest on bonds as they mature or are subject to redemption, and may be issued in one or more series in an amount in excess of that of the bonds to be refunded.

(G) At no time shall the total outstanding bonds and notes of the Authority issued under this Section 13 exceed (i) \$150,000,000 in connection with facilities owned by the Authority and (ii)

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\$399,000,000 in connection with facilities owned by a governmental owner other than the Authority. Bonds which are being paid or retired by issuance, sale or delivery of bonds or notes, and bonds or notes for which sufficient funds have been deposited with the paying agent or trustee to provide for payment of principal and interest thereon, and any redemption premium, as provided in the authorizing resolution, shall not be considered outstanding for the purposes of this paragraph.

(H) The bonds and notes of the Authority shall not be indebtedness of the City of Chicago, of the State, or of any political subdivision of the State other than the Authority. The bonds and notes of the Authority are not general obligations of the

State of Illinois or the City of Chicago, or of any other political subdivision of the State other than the Authority, and are not secured by a pledge of the full faith and credit of the State of Illinois or the City of Chicago, or of any other political subdivision of the State other than the Authority, and the holders of bonds and notes of the Authority may not require the levy or imposition by the State or the City of Chicago, or any other political subdivision of the State other than the Authority, of any taxes or, except as provided in this Act, the application of revenues or funds of the State of Illinois or the City of Chicago or any other political subdivision of the State other than the Authority ~~other State or City of Chicago revenues or funds~~ to the payment of bonds and notes of the Authority.

(I) In order to provide for the payment of debt service requirements (including amounts for reserve funds and to pay the costs of credit enhancements) on bonds issued pursuant to this Act, the Authority may provide in any trust agreement securing such bonds for a pledge and assignment of its right to all amounts to be received from the Illinois Sports Facilities Fund and for a pledge and assignment (subject to the terms of any management agreement or assistance agreement) of all taxes and other amounts to be received under Section 19 of this Act and may further provide by written notice to the State Treasurer and State Comptroller (which notice shall constitute a direction to those officers) for a direct payment of these amounts to the trustee for its bondholders.

(J) The State of Illinois pledges to and agrees with the holders of the bonds and notes of the Authority issued pursuant to this Act that the State will not limit or alter the rights and powers vested in the Authority by this Act so as to impair the terms of any contract made by the Authority with such holders or in any way impair the rights and remedies of such holders until such bonds and notes, together with interest thereon, with interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceedings by or on behalf of such holders, are fully met and discharged. In addition, the State pledges to and agrees with the holders of the bonds and notes of the Authority issued pursuant to this Act that the State will not limit or alter the basis on which State funds are to be allocated, deposited and paid to the Authority as provided in this Act, or the use of such funds, so as to impair the terms of any such contract. The Authority is authorized to include these pledges and agreements of the State in any contract with the holders of bonds or notes issued pursuant to this Section.

(Source: P.A. 85-1034.)

(70 ILCS 3205/15) (from Ch. 85, par. 6015)

Sec. 15. Tax Exemption.

(A) Neither ~~(a)~~ the Authority nor any governmental owner of a facility or that governmental owner's tenant shall ~~not~~ be required to

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pay property taxes pursuant to the Property Tax Code on any facility or other property it owns, nor shall the interest of a tenant in any facility either owned by the Authority or owned by any governmental

owner to which the Authority has provided financial assistance be subject to property taxes taxation pursuant to the Property Tax Code.

(B) ~~(b)~~ Bonds issued by the Authority, their transfer, the interest payable on them, and any income derived from them shall be exempt from income taxes taxation under the "Illinois Income Tax Act" or from taxation by any political subdivisions, municipal corporations or public agencies of any kind of this State. For purposes of Section 250 of the Illinois Income Tax Act, the exemption of the income from bonds issued by the Authority shall terminate after all of the bonds have been paid. The amount of such income that shall be added and then subtracted on the Illinois income tax return of a taxpayer, pursuant to Section 203 of the Illinois Income Tax Act, from federal adjusted gross income or federal taxable income in computing Illinois base income shall be the interest net of any bond premium amortization.

(Source: P.A. 88-670, eff. 12-2-94; 89-460, eff. 5-24-96.)

(70 ILCS 3205/16) (from Ch. 85, par. 6016)

Sec. 16. Members or Employees of Authority; Conflicting Relations or Interests; Effect. No members or employees of the Authority shall be employed by, be an officer or director of, or have any ownership interest in any corporation or entity which is or is to be a party to a management agreement or assistance agreement with the Authority under this Act or which is a tenant of any facility for which financial assistance is or is to be provided under this Act. No monies of the Authority shall be deposited in any financial institution in which any officer, director or holder of a substantial proprietary interest is also a member or employee of the Authority. No real estate to which a member or employee of the Authority holds legal title or in which such person had any beneficial interest, including any interest in a land trust, shall be purchased by the Authority or by a corporation or entity for a facility to be financed under this Act. All members and employees of the Authority shall file annually with the Authority a record of all real estate in this State to which such person holds legal title or in which such person has any beneficial interest, including any interest in a land trust. In the event it is later disclosed that the Authority has purchased real estate in which a member or employee had an interest, such purchase shall be voidable by the Authority and the member or employee involved shall be disqualified from membership in or employment by the Authority.

(Source: P.A. 85-1034.)

(70 ILCS 3205/17) (from Ch. 85, par. 6017)

Sec. 17. Members or Employees of Authority - Conflicting Relations or Interests - Effects.

(A) In addition to the prohibitions of Section 16 of this Act, no member of the Authority or officer, agent or employee thereof shall, in his or her own name or in the name of a nominee, be an officer, director or hold an ownership interest of more than 7 1/2% in any person, association, trust, corporation, partnership or other entity which is, in its own name or in the name of a nominee, a party to a contract or agreement upon which the member or officer, agent or employee may be called upon to act or vote.

(B) With respect to any direct or any indirect interest, other than an interest prohibited in subsection (A) of this Section or Section 16 of this Act, in a contract or agreement upon which the member or officer, agent or employee may be called upon to act or vote, a member of the Authority or officer, agent or employee thereof

shall disclose the same to the secretary of the Authority prior to the taking of final action by the Authority concerning such contract or agreement and shall so disclose the nature and extent of such interest and his or her acquisition thereof, which disclosures shall be publicly acknowledged by the Authority and entered upon the minutes of the Authority. If a member of the Authority or officer, agent or employee thereof holds such an interest then he or she shall refrain from any further official involvement in regard to such contract or agreement, from voting on any matter pertaining to such contract or agreement, and from communicating with other members of the Authority or its officers, agents and employees concerning said contract or agreement. Notwithstanding any other provision of law, any contract or agreement entered into in conformity with this subsection (B) shall not be void or invalid by reason of the interest described in this subsection, nor shall any person so disclosing the interest and refraining from further official involvement as provided in this subsection be guilty of an offense, be removed from office or be subject to any other penalty on account of such interest.

(C) Any contract or agreement made in violation of subsections (A) or (B) of this Section shall be null and void and give rise to no action against the Authority.

(Source: P.A. 85-1034.)

(70 ILCS 3205/19) (from Ch. 85, par. 6019)

Sec. 19. Tax. The Authority may impose an occupation tax upon all persons engaged in the City of Chicago in the business of renting, leasing or letting rooms in a hotel, as defined in The Hotel Operators' Occupation Tax Act, at a rate not to exceed 2% of the gross rental receipts from the renting, leasing or letting of hotel rooms located within the City of Chicago, excluding, however, from gross rental receipts, the proceeds of such renting, leasing or letting to permanent residents of that hotel and proceeds from the tax imposed under subsection (c) of Section 13 of the Metropolitan Pier and Exposition Authority Act.

The tax imposed by the Authority pursuant to this Section and all civil penalties that may be assessed as an incident thereof shall be collected and enforced by the State Department of Revenue. The certificate of registration which is issued by the Department to a lessor under The Hotel Operators' Occupation Tax Act shall permit such registrant to engage in a business which is taxable under any ordinance or resolution enacted pursuant to this Section without registering separately with the Department under such ordinance or resolution or under this Section. The Department shall have full power to administer and enforce this Section; to collect all taxes and penalties due hereunder; to dispose of taxes and penalties so collected in the manner provided in this Section, and to determine all rights to credit memoranda, arising on account of the erroneous payment of tax or penalty hereunder. In the administration of, and compliance with, this Section, the Department and persons who are subject to this Section shall have the same rights, remedies, privileges, immunities, powers and duties, and be subject to the same conditions, restrictions, limitations, penalties and definitions of

terms, and employ the same modes of procedure, as are prescribed in The Hotel Operators' Occupation Tax Act (except where that Act is inconsistent herewith), as the same is now or may hereafter be amended, as fully as if the provisions contained in The Hotel Operators' Occupation Tax Act were set forth herein.

Whenever the Department determines that a refund should be made under this Section to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the warrant to be drawn for the amount specified, and to

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the person named, in such notification from the Department. Such refund shall be paid by the State Treasurer out of the amounts held by the State Treasurer as trustee for the Authority.

Persons subject to any tax imposed pursuant to authority granted by this Section may reimburse themselves for their tax liability for such tax by separately stating such tax as an additional charge, which charge may be stated in combination, in a single amount, with State tax imposed under The Hotel Operators' Occupation Tax Act, the municipal tax imposed under Section 8-3-13 of the Illinois Municipal Code, and the tax imposed under Section 13 of the Metropolitan Pier and Exposition Authority Act.

The Department shall forthwith pay over to the State Treasurer, ex-officio, as trustee for the Authority, all taxes and penalties collected hereunder for deposit in a trust fund outside the State Treasury. On or before the 25th day of each calendar month, the Department shall certify to the Comptroller the amount to be paid to or on behalf of the Authority from amounts collected hereunder by the Department, and deposited into such trust fund during the second preceding calendar month. The amount to be paid to or on behalf of the Authority shall be the amount (not including credit memoranda) collected hereunder during such second preceding calendar month by the Department, less an amount equal to the amount of refunds authorized during such second preceding calendar month by the Department on behalf of the Authority, and less 4% of such balance, which sum shall be retained by the State Treasurer to cover the costs incurred by the Department in administering and enforcing the provisions of this Section, as provided herein. Each such monthly certification by the Department shall also certify to the Comptroller the amount to be so retained by the State Treasurer for payment into the General Revenue Fund of the State Treasury.

Each monthly certification by the Department shall certify, of the amount paid to or on behalf of the Authority, (i) the portion to be paid to the Authority, ~~and~~ (ii) the portion to be paid into the General Revenue Fund of the State Treasury on behalf of the Authority as repayment of amounts advanced ~~advances~~ to the Authority pursuant to appropriation from the Illinois Sports Facilities Fund.

With respect to each State fiscal year, of the total amount to be paid to or on behalf of the Authority, the Department shall certify that payments shall first be made directly to the Authority in an amount equal to any difference between the annual amount certified by the Chairman of the Authority pursuant to Section 8.25-4 of the State Finance Act and the amount appropriated to the Authority from the

Illinois Sports Facilities Fund. Next, the Department shall certify that payment shall be made into the General Revenue Fund of the State Treasury in an amount equal to the difference between (i) the lesser of (x) the amount appropriated from the Illinois Sports Facilities Fund to the Authority and (y) the annual amount certified by the Chairman of the Authority pursuant to Section 8.25-4 of the State Finance Act and (ii) \$10,000,000. The Department shall certify that all additional amounts shall be paid to the Authority and used for its corporate purposes.

Within 10 days after receipt, by the Comptroller, of the Department's monthly certification of amounts to be paid to or on behalf of the Authority and amounts to be paid into the General Revenue Fund, the Comptroller shall cause the warrants to be drawn for the respective amounts in accordance with the directions contained in such certification.

Amounts collected by the Department and paid to the Authority pursuant to this Section shall be used for the corporate purposes of the Authority. On June 15, 1992 and on each June 15 thereafter, the

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Authority shall repay to the State Treasurer all amounts paid to it under this Section and otherwise remaining available to the Authority after providing for (i) payment of principal and interest on, and other payments related to, its obligations issued or to be issued under Section 13 of the Act, including any deposits required to reserve funds created under any indenture or resolution authorizing issuance of the obligations and payments to providers of credit enhancement, (ii) payment of obligations under the provisions of any management agreement with respect to a facility or facilities owned by the Authority or of any assistance agreement with respect to any facility for which financial assistance is provided under this Act, and payment of other capital and operating expenses of the Authority, including any deposits required to reserve funds created for repair and replacement of capital assets and to meet the obligations of the Authority under any management agreement or assistance agreement. Amounts repaid by the Authority to the State Treasurer hereunder shall be treated as repayment of amounts deposited into the Illinois Sports Facilities Fund and credited to the Subsidy Account and used for the corporate purposes of the Authority. The State Treasurer shall deposit ~~the lesser of \$5,000,000 or one-half~~ of the amount received into the General Revenue Fund; thereafter, at the beginning of each fiscal year the State Treasurer shall certify to the State Comptroller for all prior fiscal years the cumulative amount of any deficiencies in repayments to the City of Chicago of amounts in the Local Government Distributive Fund that would otherwise have been allocated to the City of Chicago under the State Revenue Sharing Act but instead were paid into the General Revenue Fund under Section 6 of the Hotel Operators' Occupation Tax Act and that have not been reimbursed, and the Comptroller shall, during the fiscal year at the beginning of which the certification was made, cause warrants to be drawn from the amount received for the repayment of that cumulative amount to the City of Chicago until that cumulative amount has been fully reimbursed; thereafter, the State Treasurer ~~and~~ shall deposit

the balance of the amount received into the trust fund established outside the State Treasury under subsection (g) of Section 13 of the Metropolitan Pier and Exposition Authority Act.

Nothing in this Section shall be construed to authorize the Authority to impose a tax upon the privilege of engaging in any business which under the constitution of the United States may not be made the subject of taxation by this State.

An ordinance or resolution imposing or discontinuing a tax hereunder or effecting a change in the rate thereof shall be effective on the first day of the second calendar month next following the month in which the ordinance or resolution is passed.

If the Authority levies a tax authorized by this Section it shall transmit to the Department of Revenue not later than 5 days after the adoption of the ordinance or resolution a certified copy of the ordinance or resolution imposing such tax whereupon the Department of Revenue shall proceed to administer and enforce this Section on behalf of the Authority. Upon a change in rate of a tax levied hereunder, or upon the discontinuance of the tax, the Authority shall not later than 5 days after the effective date of the ordinance or resolution discontinuing the tax or effecting a change in rate transmit to the Department of Revenue a certified copy of the ordinance or resolution effecting such change or discontinuance.

(Source: P.A. 87-733.)

(70 ILCS 3205/20) (from Ch. 85, par. 6020)

Sec. 20. No Impairment of Management Agreement or Assistance Agreement. The State of Illinois pledges to and agrees with any tenant under any management agreement entered into by the Authority

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with respect to a ~~stadium~~ facility and any governmental owner of a facility with which the Authority has entered into an assistance agreement with respect to such facility and, if applicable, its tenant that the State will not limit or alter the rights and powers vested in the Authority by this Act so as to impair the terms of any such management agreement or assistance agreement or in any way impair the rights and remedies of such tenant or governmental owner or its tenant so long as the tenant or governmental owner or its tenant is not in default thereunder. In addition, the State pledges to and agrees with such tenant, any governmental owner of a facility, and its tenant, if applicable, that the State will not limit the basis on which State funds are to be allocated, deposited and paid to the Authority, or the use of such funds, so as to impair the terms of any such management agreement or assistance agreement. The Authority is authorized to include this pledge and agreement of the State in each ~~such~~ management agreement and assistance agreement.

(Source: P.A. 85-1034.)

Section 10. The State Finance Act is amended by changing Section 8.25-4 as follows:

(30 ILCS 105/8.25-4) (from Ch. 127, par. 144.25-4)

Sec. 8.25-4. All moneys in the Illinois Sports Facilities Fund are allocated to and shall be transferred, appropriated and used only for the purposes authorized by, and subject to, the limitations and conditions of this Section.

All moneys deposited pursuant to Section 13.1 of "An Act in relation to State revenue sharing with local governmental entities", as amended, and all moneys deposited with respect to the \$5,000,000 deposit, but not the additional \$8,000,000 advance applicable before July 1, 2001, or the Advance Amount applicable on and after that date, pursuant to Section 6 of "The Hotel Operators' Occupation Tax Act", as amended, into the Illinois Sports Facilities Fund shall be credited to the Subsidy Account within the Fund. All moneys deposited with respect to the additional \$8,000,000 advance applicable before July 1, 2001, or the Advance Amount applicable on and after that date, but not the \$5,000,000 deposit, pursuant to Section 6 of "The Hotel Operators' Occupation Tax Act", as amended, into the Illinois Sports Facilities Fund shall be credited to the Advance Account within the Fund.

Beginning with fiscal year 1989 and continuing for each fiscal year thereafter through and including fiscal year 2001, no less than 30 days before the beginning of such fiscal year (except as soon as may be practicable after the effective date of this amendatory Act of 1988 with respect to fiscal year 1989) the Chairman of the Illinois Sports Facilities Authority shall certify to the State Comptroller and the State Treasurer, without taking into account any revenues or receipts of the Authority, the lesser of (a) \$18,000,000 and (b) the sum of (i) the amount anticipated to be required by the Authority during the fiscal year to pay principal of and interest on, and other payments relating to, its obligations issued or to be issued under Section 13 of the Illinois Sports Facilities Authority Act, including any deposits required to reserve funds created under any indenture or resolution authorizing issuance of the obligations and payments to providers of credit enhancement, (ii) the amount anticipated to be required by the Authority during the fiscal year to pay obligations under the provisions ~~provision~~ of any management agreement with respect to a facility or facilities owned by the Authority or of any assistance agreement with respect to any facility for which financial assistance is provided under the Illinois Sports Facilities Authority Act, and to pay other capital and operating expenses of the Authority during the fiscal year, including any deposits required to reserve

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funds created for repair and replacement of capital assets and to meet the obligations of the Authority under any management agreement or assistance agreement, and (iii) any amounts under (i) and (ii) above remaining unpaid from previous years.

Beginning with fiscal year 2002 and continuing for each fiscal year thereafter, no less than 30 days before the beginning of such fiscal year, the Chairman of the Illinois Sports Facilities Authority shall certify to the State Comptroller and the State Treasurer, without taking into account any revenues or receipts of the Authority, the lesser of (a) an amount equal to the sum of the Advance Amount plus \$10,000,000 and (b) the sum of (i) the amount anticipated to be required by the Authority during the fiscal year to pay principal of and interest on, and other payments relating to, its obligations issued or to be issued under Section 13 of the Illinois Sports Facilities Authority Act, including any deposits required to

reserve funds created under any indenture or resolution authorizing issuance of the obligations and payments to providers of credit enhancement, (ii) the amount anticipated to be required by the Authority during the fiscal year to pay obligations under the provisions of any management agreement with respect to a facility or facilities owned by the Authority or any assistance agreement with respect to any facility for which financial assistance is provided under the Illinois Sports Facilities Authority Act, and to pay other capital and operating expenses of the Authority during the fiscal year, including any deposits required to reserve funds created for repair and replacement of capital assets and to meet the obligations of the Authority under any management agreement or assistance agreement, and (iii) any amounts under (i) and (ii) above remaining unpaid from previous years.

A copy of any this certification made by the Chairman under the preceding 2 paragraphs shall be filed with the Governor and the Mayor of the City of Chicago. The Chairman may file an amended certification from time to time.

Subject to sufficient appropriation by the General Assembly, beginning with July 1, 1988 and thereafter continuing on the first day of each month during each fiscal year through and including fiscal year 2001, the Comptroller shall order paid and the Treasurer shall pay to the Authority the amount in the Illinois Sports Facilities Fund until (x) the lesser of \$10,000,000 or the amount appropriated for payment to the Authority from amounts credited to the Subsidy Account and (y) the lesser of \$8,000,000 or the difference between the amount appropriated for payment to the Authority during the fiscal year and \$10,000,000 has been paid from amounts credited to the Advance Account.

Subject to sufficient appropriation by the General Assembly, beginning with July 1, 2001, and thereafter continuing on the first day of each month during each fiscal year thereafter, the Comptroller shall order paid and the Treasurer shall pay to the Authority the amount in the Illinois Sports Facilities Fund until (x) the lesser of \$10,000,000 or the amount appropriated for payment to the Authority from amounts credited to the Subsidy Account and (y) the lesser of the Advance Amount or the difference between the amount appropriated for payment to the Authority during the fiscal year and \$10,000,000 has been paid from amounts credited to the Advance Account.

Provided that all amounts deposited in the Illinois Sports Facilities Fund and credited to the Subsidy Account, to the extent requested pursuant to the Chairman's certification, have been paid, on June 30, 1989, and on June 30 of each year thereafter, all amounts remaining in the Subsidy Account of the Illinois Sports Facilities Fund shall be transferred by the State Treasurer one-half to the

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General Revenue Fund in the State Treasury and one-half to the City Tax Fund. Provided that all amounts appropriated from the Illinois Sports Facilities Fund, to the extent requested pursuant to the Chairman's certification, have been paid, on June 30, 1989, and on June 30 of each year thereafter, all amounts remaining in the Advance Account of the Illinois Sports Facilities Fund shall be transferred

by the State Treasurer to the General Revenue Fund in the State Treasury.

For purposes of this Section, the term "Advance Amount" means, for fiscal year 2002, \$22,179,000, and for subsequent fiscal years through fiscal year 2032, 105.615% of the Advance Amount for the immediately preceding fiscal year, rounded up to the nearest \$1,000.

(Source: P.A. 85-1034.)

Section 12. The State Revenue Sharing Act is amended by changing Section 2 as follows:

(30 ILCS 115/2) (from Ch. 85, par. 612)

Sec. 2. Allocation and Disbursement. As soon as may be after the first day of each month, the Department of Revenue shall allocate among the several municipalities and counties of this State the amount available in the Local Government Distributive Fund and in the Income Tax Surcharge Local Government Distributive Fund, determined as provided in Sections 1 and 1a above. Except as provided in Sections 13 and 13.1 of this Act, the Department shall then certify such allocations to the State Comptroller, who shall pay over to the several municipalities and counties the respective amounts allocated to them. The amount of such Funds allocable to each such municipality and county shall be in proportion to the number of individual residents of such municipality or county to the total population of the State, determined in each case on the basis of the latest census of the State, municipality or county conducted by the Federal government and certified by the Secretary of State and for annexations to municipalities, the latest Federal, State or municipal census of the annexed area which has been certified by the Department of Revenue. Allocations to the City of Chicago under this Section are subject to Section 6 of the Hotel Operators' Occupation Tax Act. For the purpose of this Section, the number of individual residents of a county shall be reduced by the number of individuals residing therein in municipalities, but the number of individual residents of the State, county and municipality shall reflect the latest census of any of them. The amounts transferred into the Local Government Distributive Fund pursuant to Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, Section 9 of the Service Occupation Tax Act, and Section 3 of the Retailers' Occupation Tax Act, each as now or hereafter amended, pursuant to the amendments of such Sections by Public Act 85-1135, shall be distributed as provided in said Sections.

(Source: P.A. 91-51, eff. 6-30-99.)

Section 15. The Hotel Operators' Occupation Tax Act is amended by changing Section 6 as follows:

(35 ILCS 145/6) (from Ch. 120, par. 481b.36)

Sec. 6. Except as provided hereinafter in this Section, on or before the last day of each calendar month, every person engaged in the business of renting, leasing or letting rooms in a hotel in this State during the preceding calendar month shall file a return with the Department, stating:

1. The name of the operator;
2. His residence address and the address of his principal place of business and the address of the principal place of business (if that is a different address) from which he engages in the business of renting, leasing or letting rooms in a hotel

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in this State;

3. Total amount of rental receipts received by him during the preceding calendar month from renting, leasing or letting rooms during such preceding calendar month;

4. Total amount of rental receipts received by him during the preceding calendar month from renting, leasing or letting rooms to permanent residents during such preceding calendar month;

5. Total amount of other exclusions from gross rental receipts allowed by this Act;

6. Gross rental receipts which were received by him during the preceding calendar month and upon the basis of which the tax is imposed;

7. The amount of tax due;

8. Such other reasonable information as the Department may require.

If the operator's average monthly tax liability to the Department does not exceed \$200, the Department may authorize his returns to be filed on a quarter annual basis, with the return for January, February and March of a given year being due by April 30 of such year; with the return for April, May and June of a given year being due by July 31 of such year; with the return for July, August and September of a given year being due by October 31 of such year, and with the return for October, November and December of a given year being due by January 31 of the following year.

If the operator's average monthly tax liability to the Department does not exceed \$50, the Department may authorize his returns to be filed on an annual basis, with the return for a given year being due by January 31 of the following year.

Such quarter annual and annual returns, as to form and substance, shall be subject to the same requirements as monthly returns.

Notwithstanding any other provision in this Act concerning the time within which an operator may file his return, in the case of any operator who ceases to engage in a kind of business which makes him responsible for filing returns under this Act, such operator shall file a final return under this Act with the Department not more than 1 month after discontinuing such business.

Where the same person has more than 1 business registered with the Department under separate registrations under this Act, such person shall not file each return that is due as a single return covering all such registered businesses, but shall file separate returns for each such registered business.

In his return, the operator shall determine the value of any consideration other than money received by him in connection with the renting, leasing or letting of rooms in the course of his business and he shall include such value in his return. Such determination shall be subject to review and revision by the Department in the manner hereinafter provided for the correction of returns.

Where the operator is a corporation, the return filed on behalf of such corporation shall be signed by the president, vice-president, secretary or treasurer or by the properly accredited agent of such corporation.

The person filing the return herein provided for shall, at the time of filing such return, pay to the Department the amount of tax

herein imposed. The operator filing the return under this Section shall, at the time of filing such return, pay to the Department the amount of tax imposed by this Act less a discount of 2.1% or \$25 per calendar year, whichever is greater, which is allowed to reimburse the operator for the expenses incurred in keeping records, preparing and filing returns, remitting the tax and supplying data to the

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Department on request.

There shall be deposited in the Build Illinois Fund in the State Treasury for each State fiscal year 40% of the amount of total net proceeds from the tax imposed by subsection (a) of Section 3. Of the remaining 60%, \$5,000,000 shall be deposited in the Illinois Sports Facilities Fund and credited to the Subsidy Account each fiscal year by making monthly deposits in the amount of 1/8 of \$5,000,000 plus cumulative deficiencies in such deposits for prior months, and an additional \$8,000,000 shall be deposited in the Illinois Sports Facilities Fund and credited to the Advance Account each fiscal year by making monthly deposits in the amount of 1/8 of \$8,000,000 plus any cumulative deficiencies in such deposits for prior months; provided, that for fiscal years ending after June 30, 2001, the amount to be so deposited into the Illinois Sports Facilities Fund and credited to the Advance Account each fiscal year shall be increased from \$8,000,000 to the then applicable Advance Amount and the required monthly deposits beginning with July 2001 shall be in the amount of 1/8 of the then applicable Advance Amount plus any cumulative deficiencies in those deposits for prior months. (The deposits of the additional \$8,000,000 or the then applicable Advance Amount, as applicable, during each fiscal year shall be treated as advances of funds to the Illinois Sports Facilities Authority for its corporate purposes to the extent paid to the Authority or its trustee and shall be repaid into the General Revenue Fund in the State Treasury by the State Treasurer on behalf of the Authority solely from collections of the tax imposed by the Authority pursuant to Section 19 of the Illinois Sports Facilities Authority Act, as amended. If in any fiscal year the full amount of the then applicable Advance Amount is not repaid into the General Revenue Fund, then the deficiency shall be paid from the amount in the Local Government Distributive Fund that would otherwise be allocated to the City of Chicago under the State Revenue Sharing Act.)

For purposes of the foregoing paragraph, the term "Advance Amount" means, for fiscal year 2002, \$22,179,000, and for subsequent fiscal years through fiscal year 2032, 105.615% of the Advance Amount for the immediately preceding fiscal year, rounded up to the nearest \$1,000.

Of the remaining 60% of the amount of total net proceeds from the tax imposed by subsection (a) of Section 3 after all required deposits in the Illinois Sports Facilities Fund, the amount equal to 8% of the net revenue realized from the Hotel Operators' Occupation Tax Act plus an amount equal to 8% of the net revenue realized from any tax imposed under Section 4.05 of the Chicago World's Fair-1992 Authority Act during the preceding month shall be deposited in the Local Tourism Fund each month for purposes authorized by Section

605-705 of the Department of Commerce and Community Affairs Law (20 ILCS 605/605-705) in the Local Tourism Fund, and beginning August 1, 1999 the amount equal to 6% of the net revenue realized from the Hotel Operators' Occupation Tax Act during the preceding month shall be deposited into the International Tourism Fund for the purposes authorized in Section 46.6d of the Civil Administrative Code of Illinois. "Net revenue realized for a month" means the revenue collected by the State under that Act during the previous month less the amount paid out during that same month as refunds to taxpayers for overpayment of liability under that Act.

After making all these deposits, all other proceeds of the tax imposed under subsection (a) of Section 3 shall be deposited in the General Revenue Fund in the State Treasury. All moneys received by the Department from the additional tax imposed under subsection (b) of Section 3 shall be deposited into the Build Illinois Fund in the

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State Treasury.

The Department may, upon separate written notice to a taxpayer, require the taxpayer to prepare and file with the Department on a form prescribed by the Department within not less than 60 days after receipt of the notice an annual information return for the tax year specified in the notice. Such annual return to the Department shall include a statement of gross receipts as shown by the operator's last State income tax return. If the total receipts of the business as reported in the State income tax return do not agree with the gross receipts reported to the Department for the same period, the operator shall attach to his annual information return a schedule showing a reconciliation of the 2 amounts and the reasons for the difference. The operator's annual information return to the Department shall also disclose pay roll information of the operator's business during the year covered by such return and any additional reasonable information which the Department deems would be helpful in determining the accuracy of the monthly, quarterly or annual tax returns by such operator as hereinbefore provided for in this Section.

If the annual information return required by this Section is not filed when and as required the taxpayer shall be liable for a penalty in an amount determined in accordance with Section 3-4 of the Uniform Penalty and Interest Act until such return is filed as required, the penalty to be assessed and collected in the same manner as any other penalty provided for in this Act.

The chief executive officer, proprietor, owner or highest ranking manager shall sign the annual return to certify the accuracy of the information contained therein. Any person who willfully signs the annual return containing false or inaccurate information shall be guilty of perjury and punished accordingly. The annual return form prescribed by the Department shall include a warning that the person signing the return may be liable for perjury.

The foregoing portion of this Section concerning the filing of an annual information return shall not apply to an operator who is not required to file an income tax return with the United States Government.

(Source: P.A. 90-26, eff. 7-1-97; 91-239, eff. 1-1-00; 91-604, eff.

8-16-99; revised 10-27-99.)

Section 20. The Chicago Park District Act is amended by adding Section 15d as follows:

(70 ILCS 1505/15d new)

Sec. 15d. Assistance agreements; facilities; private seat licenses; naming rights. In addition to the powers and authority now possessed by it, the Chicago Park District shall have the power and authority:

(1) to enter into and perform its obligations under one or more "assistance agreements" with respect to any "facility" of which the Chicago Park District is the "governmental owner", as each of those terms is defined in the Illinois Sports Facilities Authority Act, and to enter into and perform its obligations under other contracts related thereto, upon such terms and conditions as may be determined by the Chicago Park District;

(2) to enter into and perform its obligations under a lease, license, or agreement with a professional sports team or other sports team with respect to a "facility", as that term is defined in the Illinois Sports Facilities Authority Act, upon such terms and conditions as may be determined by the Chicago Park District;

(3) to sell, convey, lease, or grant a permit or license with respect to, or authorize another person on its behalf to sell, convey, lease, or grant a permit or license with respect

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to: (A) the right to use or the right to purchase tickets to use, or any other interest in, any seat or area within a "facility", as that term is defined in the Illinois Sports Facilities Authority Act, (B) the right to name or place advertising in all or any part of such a facility, or (C) any intangible personal property rights, including intellectual property rights, appurtenant to any such facility; and to enter into and perform its obligations with respect to any contract, understanding, agreement, or arrangement related thereto, upon such terms and conditions as may be determined by the Chicago Park District;

(4) to accept the transfer of and assume the obligations under a contract or contracts entered into by the "Authority" or its agent for the design and construction services or design/build services for a "facility", as each such term is defined in the Illinois Sports Facilities Authority Act, and exercise such rights and perform such obligations thereunder without regard to the procedures, regulations and laws which would otherwise have been applicable to the Chicago Park District had the Chicago Park District originally entered into such contract or contracts; and

(5) to enter into leases, license agreements, permit agreements or other agreements with respect to parking facilities, concessions, restaurants and other facilities providing goods and services relating to a "facility" of which the Chicago Park District is the "governmental owner", as each such term is defined in the Illinois Sports Facilities Authority Act, upon such terms and conditions as may be determined by the

Chicago Park District.

Section 25. The Prevailing Wage Act is amended by changing Section 2 as follows:

(820 ILCS 130/2) (from Ch. 48, par. 39s-2)

Sec. 2. This Act applies to the wages of laborers, mechanics and other workers employed in any public works, as hereinafter defined, by any public body and to anyone under contracts for public works.

As used in this Act, unless the context indicates otherwise:

"Public works" means all fixed works constructed for public use by any public body, other than work done directly by any public utility company, whether or not done under public supervision or direction, or paid for wholly or in part out of public funds. "Public works" as defined herein includes all projects financed in whole or in part with bonds issued under the Industrial Project Revenue Bond Act (Article 11, Division 74 of the Illinois Municipal Code), the Industrial Building Revenue Bond Act, the Illinois Development Finance Authority Act, the Illinois Sports Facilities Authority Act, or the Build Illinois Bond Act, and all projects financed in whole or in part with loans or other funds made available pursuant to the Build Illinois Act.

"Construction" means all work on public works involving laborers, workers or mechanics.

"Locality" means the county where the physical work upon public works is performed, except (1) that if there is not available in the county a sufficient number of competent skilled laborers, workers and mechanics to construct the public works efficiently and properly, "locality" includes any other county nearest the one in which the work or construction is to be performed and from which such persons may be obtained in sufficient numbers to perform the work and (2) that, with respect to contracts for highway work with the Department of Transportation of this State, "locality" may at the discretion of the Secretary of the Department of Transportation be construed to include two or more adjacent counties from which workers may be

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accessible for work on such construction.

"Public body" means the State or any officer, board or commission of the State or any political subdivision or department thereof, or any institution supported in whole or in part by public funds, authorized by law to construct public works or to enter into any contract for the construction of public works, and includes every county, city, town, village, township, school district, irrigation, utility, reclamation improvement or other district and every other political subdivision, district or municipality of the state whether such political subdivision, municipality or district operates under a special charter or not.

The terms "general prevailing rate of hourly wages", "general prevailing rate of wages" or "prevailing rate of wages" when used in this Act mean the hourly cash wages plus fringe benefits for training and apprenticeship programs approved by the U.S. Department of Labor, Bureau of Apprenticeship and Training, health and welfare, insurance, vacations and pensions paid generally, in the locality in which the work is being performed, to employees engaged in work of a similar

~~similar~~ character on public works.

(Source: P.A. 91-105, eff. 1-1-00; revised 10-7-99.)

Section 30. The Freedom of Information Act is amended by changing Section 2 as follows:

(5 ILCS 140/2) (from Ch. 116, par. 202)

Sec. 2. Definitions. As used in this Act:

(a) "Public body" means any legislative, executive, administrative, or advisory bodies of the State, state universities and colleges, counties, townships, cities, villages, incorporated towns, school districts and all other municipal corporations, boards, bureaus, committees, or commissions of this State, and any subsidiary bodies of any of the foregoing including but not limited to committees and subcommittees which are supported in whole or in part by tax revenue, or which expend tax revenue. "Public body" does not include a child death review team established under the Child Death Review Team Act.

(b) "Person" means any individual, corporation, partnership, firm, organization or association, acting individually or as a group.

(c) "Public records" means all records, reports, forms, writings, letters, memoranda, books, papers, maps, photographs, microfilms, cards, tapes, recordings, electronic data processing records, recorded information and all other documentary materials, regardless of physical form or characteristics, having been prepared, or having been or being used, received, possessed or under the control of any public body. "Public records" includes, but is expressly not limited to: (i) administrative manuals, procedural rules, and instructions to staff, unless exempted by Section 7(p) of this Act; (ii) final opinions and orders made in the adjudication of cases, except an educational institution's adjudication of student or employee grievance or disciplinary cases; (iii) substantive rules; (iv) statements and interpretations of policy which have been adopted by a public body; (v) final planning policies, recommendations, and decisions; (vi) factual reports, inspection reports, and studies whether prepared by or for the public body; (vii) all information in any account, voucher, or contract dealing with the receipt or expenditure of public or other funds of public bodies; (viii) the names, salaries, titles, and dates of employment of all employees and officers of public bodies; (ix) materials containing opinions concerning the rights of the state, the public, a subdivision of state or a local government, or of any private persons; (x) the name of every official and the final records of voting in all proceedings of public bodies; (xi) applications for any contract, permit, grant,

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or agreement except as exempted from disclosure by subsection (g) of Section 7 of this Act; (xii) each report, document, study, or publication prepared by independent consultants or other independent contractors for the public body; (xiii) all other information required by law to be made available for public inspection or copying; (xiv) information relating to any grant or contract made by or between a public body and another public body or private organization; (xv) waiver documents filed with the State Superintendent of Education or the president of the University of

Illinois under Section 30-12.5 of the School Code, concerning nominees for General Assembly scholarships under Sections 30-9, 30-10, and 30-11 of the School Code; ~~and~~ (xvi) complaints, results of complaints, and Department of Children and Family Services staff findings of licensing violations at day care facilities, provided that personal and identifying information is not released; and (xvii) records, reports, forms, writings, letters, memoranda, books, papers, and other documentary information, regardless of physical form or characteristics, having been prepared, or having been or being used, received, possessed, or under the control of the Illinois Sports Facilities Authority dealing with the receipt or expenditure of public funds or other funds of the Authority in connection with the reconstruction, renovation, remodeling, extension, or improvement of all or substantially all of an existing "facility" as that term is defined in the Illinois Sports Facilities Authority Act.

(d) "Copying" means the reproduction of any public record by means of any photographic, electronic, mechanical or other process, device or means.

(e) "Head of the public body" means the president, mayor, chairman, presiding officer, director, superintendent, manager, supervisor or individual otherwise holding primary executive and administrative authority for the public body, or such person's duly authorized designee.

(f) "News media" means a newspaper or other periodical issued at regular intervals, a news service, a radio station, a television station, a community antenna television service, or a person or corporation engaged in making news reels or other motion picture news for public showing.

(Source: P.A. 89-681, eff. 12-13-96; 90-144, eff. 7-23-97; 90-670, eff. 7-31-98.)

Section 40. The Illinois State Auditing Act is amended by changing Section 3-1 as follows:

(30 ILCS 5/3-1) (from Ch. 15, par. 303-1)

Sec. 3-1. Jurisdiction of Auditor General. The Auditor General has jurisdiction over all State agencies to make post audits and investigations authorized by or under this Act or the Constitution.

The Auditor General has jurisdiction over local government agencies and private agencies only:

(a) to make such post audits authorized by or under this Act as are necessary and incidental to a post audit of a State agency or of a program administered by a State agency involving public funds of the State, but this jurisdiction does not include any authority to review local governmental agencies in the obligation, receipt, expenditure or use of public funds of the State that are granted without limitation or condition imposed by law, other than the general limitation that such funds be used for public purposes;

(b) to make investigations authorized by or under this Act or the Constitution; and

(c) to make audits of the records of local government agencies to verify actual costs of state-mandated programs when

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directed to do so by the Legislative Audit Commission at the request of the State Board of Appeals under the State Mandates Act.

In addition to the foregoing, the Auditor General may conduct an audit of the Metropolitan Pier and Exposition Authority, the Regional Transportation Authority, the Suburban Bus Division, the Commuter Rail Division and the Chicago Transit Authority and any other subsidized carrier when authorized by the Legislative Audit Commission. Such audit may be a financial, management or program audit, or any combination thereof.

The audit shall determine whether they are operating in accordance with all applicable laws and regulations. Subject to the limitations of this Act, the Legislative Audit Commission may by resolution specify additional determinations to be included in the scope of the audit.

In addition to the foregoing, the Auditor General must also conduct a financial audit of the Illinois Sports Facilities Authority's expenditures of public funds in connection with the reconstruction, renovation, remodeling, extension, or improvement of all or substantially all of any existing "facility", as that term is defined in the Illinois Sports Facilities Authority Act.

The Auditor General may also conduct an audit, when authorized by the Legislative Audit Commission, of any hospital which receives 10% or more of its gross revenues from payments from the State of Illinois, Department of Public Aid, Medical Assistance Program.

The Auditor General is authorized to conduct financial and compliance audits of the Illinois Distance Learning Foundation and the Illinois Conservation Foundation.

As soon as practical after the effective date of this amendatory Act of 1995, the Auditor General shall conduct a compliance and management audit of the City of Chicago and any other entity with regard to the operation of Chicago O'Hare International Airport, Chicago Midway Airport and Merrill C. Meigs Field. The audit shall include, but not be limited to, an examination of revenues, expenses, and transfers of funds; purchasing and contracting policies and practices; staffing levels; and hiring practices and procedures. When completed, the audit required by this paragraph shall be distributed in accordance with Section 3-14.

The Auditor General shall conduct a financial and compliance and program audit of distributions from the Municipal Economic Development Fund during the immediately preceding calendar year pursuant to Section 8-403.1 of the Public Utilities Act at no cost to the city, village, or incorporated town that received the distributions.

The Auditor General must conduct an audit of the Health Facilities Planning Board pursuant to Section 19.5 of the Illinois Health Facilities Planning Act.

(Source: P.A. 90-813, eff. 1-29-99; 91-782, eff. 6-9-00.)

Section 99. Effective date. This Act takes effect on June 1, 2001."

The motion prevailed and the amendment was adopted and ordered printed.

And **House Bill No. 1284**, as amended, was returned to the order of third reading.

**READING A BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME**

On motion of Senator E. Jones, **House Bill No. 1284** having been

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printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 33; Nays 24; Present 1.

The following voted in the affirmative:

Bowles  
Clayborne  
Cronin  
DeLeo  
del Valle  
Demuzio  
Dillard  
Dudycz  
Geo-Karis  
Hendon  
Jacobs  
Jones, E.  
Karpel  
Lightford  
Link  
Mahar  
Mitchell  
Molaro  
Munoz  
Obama  
Rauschenberger  
Ronen  
Shadid  
Shaw  
Silverstein  
Smith  
Syverson  
Trotter  
Viverito  
Watson  
Weaver  
Welch  
Mr. President

The following voted in the negative:

Bomke  
Burzynski  
Donahue  
Halvorson

Hawkinson  
Jones, W.  
Klemm  
Lauzen  
Luechtefeld  
Madigan, L.  
Madigan, R.  
Myers  
Noland  
O'Daniel  
O'Malley  
Parker

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Peterson  
Petka  
Radogno  
Roskam  
Sieben  
Sullivan  
Walsh, L.  
Walsh, T.

The following voted present:

Cullerton

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

**CONSIDERATION OF HOUSE AMENDMENT TO SENATE BILL  
ON SECRETARY'S DESK**

On motion of Senator Dudycz, **Senate Bill No. 851**, with House Amendment No. 2 on the Secretary's Desk, was taken up for immediate consideration.

Senator Dudycz moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 58; Nays None.

The following voted in the affirmative:

Bomke  
Bowles  
Burzynski  
Clayborne

Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpier  
Klemm  
Lauzen  
Lightford  
Link  
Luechtefeld

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Madigan, L.  
Madigan, R.  
Mahar  
Mitchell  
Molaro  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Ronen  
Roskam  
Shadid  
Shaw  
Sieben  
Silverstein  
Smith  
Sullivan  
Syverson  
Trotter  
Viverito  
Walsh, L.  
Walsh, T.  
Watson

Weaver  
Welch  
Mr. President

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 2 to **Senate Bill No. 851**.

Ordered that the Secretary inform the House of Representatives thereof.

#### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

Senator Rauschenberger, from the Committee appointed on the part of the Senate to adjust the differences between the two Houses on House Amendment No. 1 to **Senate Bill No. 168**, submitted the following Report of the First Conference Committee and moved its adoption:

91ST GENERAL ASSEMBLY  
CONFERENCE COMMITTEE REPORT  
ON SENATE BILL 168

To the President of the Senate and the Speaker of the House of Representatives:

We, the conference committee appointed to consider the differences between the houses in relation to House Amendment No. 1 to Senate Bill 168, recommend the following:

- (1) that the House recede from House Amendment No. 1; and
- (2) that Senate Bill 168 be amended by replacing the title with the following:  
"AN ACT in relation to fire protection districts."; and

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by replacing everything after the enacting clause with the following:

"Section 5. The Fire Protection District Act is amended by changing Sections 6 and 16.04 as follows:

(70 ILCS 705/6) (from Ch. 127 1/2, par. 26)

Sec. 6. The trustees shall constitute a board of trustees for the district for which they are appointed, which board of trustees is declared to be the corporate authority of the fire protection district, and shall exercise all of the powers and control all the affairs and property of such district. The board of trustees at their initial meeting and at their first meeting following the commencement of the term of any trustee shall elect one of their number as president and one of their number as secretary and shall elect a treasurer for the district, who may be one of the trustees or may be any other citizen of the district and who shall hold office during the pleasure of the board and who shall give such bond as may be required by the board. Except as otherwise provided in Sections 16.01 through 16.18, the board may appoint and enter into a multi-year contract not exceeding 3 years with a fire chief and may appoint any ~~such~~ firemen that as may be necessary for the district who shall hold office during the pleasure of the board and who shall give any ~~such~~ bond that as the board may require. The board may

prescribe the duties and fix the compensation of all the officers and employees of the fire protection district. A member of the board of trustees of a fire protection district may be compensated as follows: in a district having fewer than 4 full time paid firemen, a sum not to exceed \$1,000 per annum; in a district having more than 3 but less than 10 full time paid firemen, a sum not to exceed \$1,500 per annum; in a district having either 10 or more full time paid firemen, a sum not to exceed \$2,000 per annum. In addition, fire districts that operate an ambulance service pursuant to authorization by referendum, as provided in Section 22, may pay trustees an additional annual compensation not to exceed 50% of the amount otherwise authorized herein. The additional compensation shall be an administrative expense of the ambulance service and shall be paid from revenues raised by the ambulance tax levy. The trustees also have the express power to execute a note or notes and to execute a mortgage or trust deed to secure the payment of such note or notes; such trust deed or mortgage shall cover real estate, or some part thereof, or personal property owned by the district and the lien of the mortgage shall apply to the real estate or personal property so mortgaged by the district, and the proceeds of the note or notes may be used in the acquisition of personal property or of real estate or in the erection of improvements on such real estate. The trustees have express power to purchase either real estate or personal property to be used for the purposes of the fire protection district through contracts which provide for the consideration for such purchase to be paid through installments to be made at stated intervals during a certain period of time, but, in no case, shall such contracts provide for the consideration to be paid during a period of time in excess of 25 years. The trustees have express power to provide for the benefit of its employees, volunteer firemen and paid firemen, group life, health, accident, hospital and medical insurance, or any combination thereof; and to pay for all or any portion of the premiums on such insurance. Such insurance may include provisions for employees who rely on treatment by spiritual means alone through prayer for healing in accord with the tenets and practice of a well recognized religious denomination. The board of trustees has express power to change the corporate name of the fire protection district by ordinance provided that notification of any change is given to the circuit clerk and the Office of the State Fire Marshal. The board of trustees has full

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power to pass all necessary ordinances, and rules and regulations for the proper management and conduct of the business of the board of trustees of the fire protection district for carrying into effect the objects for which the district was formed.

(Source: P.A. 85-1434; 86-1194.)

(70 ILCS 705/16.04a) (from Ch. 127 1/2, par. 37.04a)

Sec. 16.04a. The board of fire commissioners shall appoint all officers and members of the fire departments of the district, except the Chief of the fire department. The board of trustees shall appoint the Chief of the fire department, who shall serve at the pleasure of the board, and may enter into a multi-year contract not exceeding 3 years with the Chief. ~~The Chief of the fire department~~

~~shall be appointed by the trustees.~~

If a member of the department is appointed Chief of the fire department prior to being eligible to retire on pension he shall be considered as on furlough from the rank he held immediately prior to his appointment as Chief. If he resigns as Chief or is discharged as Chief prior to attaining eligibility to retire on pension, he shall revert to and be established in such prior rank, and thereafter be entitled to all the benefits and emoluments of such prior rank, without regard as to whether a vacancy then exists in such rank. In such instances, the Chief shall be deemed to have continued to accrue seniority in the department during his period of service as Chief, or time in grade in his former rank to which he shall revert during his period of service as Chief, except solely for purposes of any layoff as provided in Section 16.13b hereafter.

All appointments to each department other than that of the lowest rank, however, shall be from the rank next below that to which the appointment is made, except that the Chief of the fire department may be appointed from among members of the fire department, regardless of rank.

The sole authority to issue certificates of appointment shall be vested in the board of fire commissioners and all certificates of appointments issued to any officer or member of the fire department shall be signed by the chairman and secretary respectively of the board of fire commissioners upon appointment of such officer or member of the fire department by action of the board of fire commissioners.

(Source: P.A. 86-562.)".

Submitted on November 29, 2000.

<u>s/Kirk Dillard</u>	<u>s/Ralph Capparelli</u>
Senator	Representative
<u>Steve Rauschenberger</u>	<u>s/Gary Hannig</u>
Senator	Representative
<u>s/Dick Klemm</u>	<u>s/Calvin L. Giles</u>
Senator	Representative
<u>Larry Walsh</u>	<u>s/Art Tenhouse</u>
Senator	Representative
<u>William Shaw</u>	<u>s/Kathleen L. Wojcik</u>
Senator	Representative
Committee for the Senate	Committee for the House

And on that motion, a call of the roll was had resulting as follows:

Yeas 57; Nays 1.

The following voted in the affirmative:

[Nov. 30, 2000]

Clayborne  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Karpier  
Klemm  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan, L.  
Madigan, R.  
Mahar  
Mitchell  
Molaro  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Ronen  
Roskam  
Shadid  
Shaw  
Sieben  
Silverstein  
Smith  
Sullivan  
Syverson  
Trotter  
Viverito  
Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Welch  
Mr. President

The following voted in the negative:

Jones, W.

The motion prevailed.

And the Senate adopted the Report of the First Conference Committee on Senate Bill No. 168.

Ordered that the Secretary inform the House of Representatives thereof.

**CONSIDERATION OF RESOLUTIONS ON SECRETARY'S DESK**

Senator Rauschenberger moved that **Senate Resolution No. 436**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Rauschenberger moved that Senate Resolution No. 436, be adopted.

And on that motion a call of the roll was had resulting as follows:

Yeas 57; Nays None.

The following voted in the affirmative:

Bomke  
Bowles  
Burzynski  
Clayborne  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpel  
Klemm  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan, L.  
Madigan, R.  
Mahar  
Mitchell  
Molaro

Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka

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Radogno  
Rauschenberger  
Ronen  
Roskam  
Shadid  
Shaw  
Sieben  
Silverstein  
Smith  
Sullivan  
Syverson  
Trotter  
Viverito  
Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Welch  
Mr. President

The motion prevailed.  
And the resolution was adopted.

Senator Klemm moved that **Senate Joint Resolution No. 77**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Klemm moved that Senate Joint Resolution No. 77, be adopted.

And on that motion a call of the roll was had resulting as follows:

Yeas 57; Nays None.

The following voted in the affirmative:

Bomke  
Bowles  
Burzynski  
Clayborne  
Cronin  
Cullerton  
DeLeo  
del Valle

Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpel  
Klemm  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan, L.

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Madigan, R.  
Mahar  
Mitchell  
Molaro  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Ronen  
Roskam  
Shadid  
Shaw  
Sieben  
Smith  
Sullivan  
Syverson  
Trotter  
Viverito  
Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Welch  
Mr. President

The motion prevailed.

And the resolution was adopted.

Ordered that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

#### CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

Senator Viverito, from the Committee appointed on the part of the Senate to adjust the differences between the two Houses on Senate Amendment No. 1 to **House Bill No. 557**, submitted the following Report of the First Conference Committee and moved its adoption:

91ST GENERAL ASSEMBLY  
CONFERENCE COMMITTEE REPORT  
ON HOUSE BILL 557

To the President of the Senate and the Speaker of the House of Representatives:

We, the conference committee appointed to consider the differences between the houses in relation to Senate Amendment No. 1 to House Bill 557, recommend the following:

(1) that the Senate recede from Senate Amendment No. 1; and

(2) that House Bill 557 be amended as follows:

by replacing the title with the following:

"AN ACT to amend the Metropolitan Water Reclamation District Act."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Metropolitan Water Reclamation District Act is

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amended by adding Section 283 as follows:

(70 ILCS 2605/283 new)

Sec. 283. District enlarged. Upon the effective date of this amendatory Act of the 91st General Assembly, the corporate limits of the Metropolitan Water Reclamation District are extended to include within those limits the following described tracts of land that are annexed to the District:

Parcel 1:

The Northwest 1/4 of the Northeast 1/4 of Section 15, Township 35 North, Range 14, East of the Third Principal Meridian (except the South 66 feet thereof conveyed to Chicago District Pipeline Company, a corporation by deed recorded as document 14832873 and except the North 49.50 feet of the South 115.5 of the East 660.0 feet thereof, conveyed to Chicago District Pipeline Company, a corporation, by deed recorded on September 3, 1958 as document 17306418).

Parcel 2:

The South 66 feet of the Northwest 1/4 of the Northeast 1/4 of Section 15, Township 35 North, Range 14 East of the Third Principal Meridian in Cook County, Illinois.

Parcel 3:

The South 66 feet of the Northeast 1/4 of the Northeast 1/4 of Section 15, Township 35 North, Range 14 East of the Third Principal Meridian, in Cook County, Illinois.

Parcel 4:

That part of the Northeast quarter of the Northeast quarter of Section 15, Township 35 North, Range 14 East of the Third Principal Meridian, Cook County, Illinois, described as follows: commencing at the Northeast corner of said Northeast quarter; thence South 89 degrees 11 minutes 17 seconds West along the North line of said Northeast quarter a distance of 604.04 feet to the point of beginning; thence South 00 degrees 58 minutes 21 seconds East a distance of 1209.86 feet to an iron rod on the North line of the South 115.50 feet of the North East quarter of the Northeast quarter of said Section 15; thence South 89 degrees 13 minutes 25 seconds West along last said North line a distance of 720.22 feet to an iron rod on the West line of the Northeast quarter of the Northeast quarter of said Section 15; thence North 00 degrees 58 minutes 21 seconds West along last said West line a distance of 1209.41 feet to an iron rod being the Northwest corner of the Northeast quarter of the Northeast quarter of said Section 15; thence North 89 degrees 11 minutes 17 seconds East along the North line of said Northeast quarter a distance of 720.22 feet to the point of beginning, containing 20.00 acres.

Section 99. Effective date. This Act takes effect upon becoming law."

Submitted on November 29, 2000.

s/Walter Dudycz  
Senator Dudycz  
s/Kirk Dillard  
Senator Dillard  
Thomas Walsh  
Senator T. Walsh  
s/Lawrence Walsh  
Senator L. Walsh  
s/William Shaw  
Senator Shaw  
Committee for the Senate

s/Joseph M. Lyons  
Representative J. Lyons  
s/Calvin L. Giles  
Representative Giles  
s/Barbara Flynn Currie  
Representative Currie  
s/Art Tenhouse  
Representative Tenhouse  
s/William B. Black  
Representative Black  
Committee for the House

[Nov. 30, 2000]

And on that motion, a call of the roll was had resulting as follows:

Yeas 57; Nays None.

The following voted in the affirmative:

Bomke  
Bowles  
Burzynski  
Clayborne  
Cronin  
Cullerton  
DeLeo  
Demuzio  
Dillard

Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpel  
Klemm  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan, L.  
Madigan, R.  
Mahar  
Mitchell  
Molaro  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Ronen  
Roskam  
Shadid  
Shaw  
Sieben  
Silverstein  
Smith  
Sullivan  
Syverson  
Trotter  
Viverito  
Walsh, L.  
Walsh, T.  
Watson

[Nov. 30, 2000]

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Weaver  
Welch  
Mr. President

The motion prevailed.  
And the Senate adopted the Report of the First Conference

Committee on House Bill No. 557, by a three-fifths vote.

Ordered that the Secretary inform the House of Representatives thereof.

Senator Syverson, from the Committee appointed on the part of the Senate to adjust the differences between the two Houses on House Amendment No. 1 to **Senate Bill No. 487**, submitted the following Report of the Second Conference Committee and moved its adoption:

91ST GENERAL ASSEMBLY  
CONFERENCE COMMITTEE REPORT  
ON SENATE BILL 487

To the President of the Senate and the Speaker of the House of Representatives:

We, the conference committee appointed to consider the differences between the houses in relation to House Amendment No. 1 to Senate Bill 487, recommend the following:

(1) that the House recede from House Amendment No. 1; and

(2) that Senate Bill 487 be amended by replacing the title with the following:

"AN ACT to amend the Illinois Roofing Industry Licensing Act."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Roofing Industry Licensing Act is amended by changing Sections 2, 3, 9.2, 9.4, 9.5, 9.10, 9.14, 10, and 11.5 and adding Sections 3.2, 3.5, 4.5, and 5.5 as follows:

(225 ILCS 335/2) (from Ch. 111, par. 7502)

Sec. 2. Definitions. As used in this Act, unless the context otherwise requires:

(a) "Licensure" means the act of obtaining or holding a license issued by the Department as provided in this Act.

(b) "Department" means the Department of Professional Regulation.

(c) "Director" means the Director of Professional Regulation.

(d) "Person" means any individual, partnership, corporation, business trust, limited liability company, or other legal entity.

(e) "Roofing contractor" is one whose services are unlimited in the roofing trade and who has the experience, knowledge and skill to construct, reconstruct, alter, maintain and repair roofs and use materials and items used in the construction, reconstruction, alteration, maintenance and repair of all kinds of roofing and waterproofing, all in such manner to comply with all plans, specifications, codes, laws, and regulations applicable thereto, but does not include such contractor's employees to the extent the requirements of Section 3 of this Act apply and extend to such employees.

(f) "Board" means the Roofing Advisory Board.

(g) "Qualifying party" means the individual filing as a sole proprietor, partner of a partnership, officer of a corporation, trustee of a business trust, or party of another legal entity, who is legally qualified to act for the business organization in all matters connected with its roofing contracting business, has the authority to

supervise roofing operations, and is actively engaged in day to day activities of the business organization.

(h) "Limited roofing license" means a license made available to contractors whose roofing business is limited to residential roofing, including residential properties consisting of 8 units or less.

(i) "Unlimited roofing license" means a license made available to contractors whose roofing business is unlimited in nature and includes roofing on residential, commercial, and industrial properties.

(Source: P.A. 89-387, eff. 1-1-96; 89-594, eff. 8-1-96; 90-55, eff. 1-1-98.)

(225 ILCS 335/3) (from Ch. 111, par. 7503)

Sec. 3. Application for license.

(1) To obtain a license, an applicant must indicate if the license is sought for a sole proprietorship, partnership, corporation, business trust, or other legal entity and whether the application is for a limited or unlimited roofing license. If the license is sought for a sole proprietorship, the license shall be issued to the proprietor who shall also be designated as the qualifying party. If the license is sought for a partnership, corporation, business trust, or other legal entity, the license shall be issued in the company name. A company must designate one individual who will serve as a qualifying party. The qualifying party is the individual who must take the examination required under Section 3.5. The company shall submit an application in writing to the Department on a form containing the information prescribed by the Department and accompanied by the fee fixed by the Department. The application shall include, but shall not be limited to:

(a) the name and address of the person designated as the qualifying party responsible for the practice of professional roofing in Illinois;

(b) the name of the proprietorship and its proprietor, the name of the partnership and its partners, the name of the corporation and its officers and directors, the name of the business trust and its trustees, or the name of such other legal entity and its members;

(c) evidence of compliance with any statutory requirements pertaining to such legal entity, including compliance with any laws pertaining to the use of fictitious names, if a fictitious name is used; if the business is a sole proprietorship and doing business under a name other than that of the individual proprietor, the individual proprietor must list all business names used for that proprietorship.

(1.5) A certificate issued by the Department before the effective date of this amendatory Act of the 91st General Assembly shall be deemed a license for the purposes of this Act. To obtain a certificate, an applicant shall submit an application in writing to the Department on a form containing the information prescribed by the Department and accompanied by the fee fixed by the Department.

(2) An applicant for a license ~~certificate~~ must submit satisfactory evidence that:

(a) he or she has obtained public liability and property damage insurance in such amounts and under such circumstances as may be determined by the Department;

(b) he or she has obtained Workers' Compensation insurance covering his or her employees or is approved as a self-insurer of Workers' Compensation in accordance with Illinois law;

(c) he or she has an Illinois Unemployment Insurance employer identification number or has proof of application to the Illinois Department of Labor for such an identification number;

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(d) he or she has submitted a 2-year bond to the Department in the amount of \$10,000 for a limited license and in the amount of \$25,000 for an unlimited license; and \$5,000.

(e) a qualifying party has satisfactorily completed the examination required under Section 3.5.

(3) It is the responsibility of the licensee to provide to the Department notice in writing of any changes in the information required to be provided on the application.

(4) All roofing contractors must designate a qualifying party and otherwise achieve compliance with this Act no later than July 1, 2001 or his or her license will automatically expire on July 1, 2001. (Source: P.A. 89-387, eff. 1-1-96.)

(225 ILCS 335/3.2 new)

Sec. 3.2. Bond. Before issuing or renewing a license, the Department shall require each applicant or licensee to file and maintain in force a surety bond, issued by an insurance company authorized to transact fidelity and surety business in the State of Illinois. The bond shall be continuous in form and run concurrently with the original and each renewal license period, unless terminated by the insurance company. An insurance company may terminate a bond and avoid further liability by filing a 60-day notice of termination with the Department and, at the same time, sending the notice to the roofing contractor. A license shall be suspended on the termination date of the roofing contractor's bond, unless a new bond is filed with the Department to become effective at the termination date of the prior bond. If a license has been suspended under this Section, the license shall be reinstated upon showing proof of compliance with this Section.

(Source: P.A. 89-387, eff. 1-1-96.)

(225 ILCS 335/3.5 new)

Sec. 3.5. Examination.

(a) The Department shall authorize examinations for applicants for initial licenses at least 4 times each year at the time and place it may designate. The examinations shall be of a character to fairly test the competence and qualifications of applicants to act as roofing contractors. Applicants for limited licenses shall take an examination, the technical portion of which shall cover residential roofing practices. Applicants for an unlimited license shall take an examination, the technical portion of which shall cover residential, commercial, and industrial roofing practices.

(b) Applicants for examination shall pay, either to the Department or the designated testing service, a fee established by the Department to cover the cost of providing the examination. Failure of the applicant to appear for the examination on the scheduled date at the time and place specified after his or her

application for examination has been received and acknowledged by the Department or the designated testing service shall result in forfeiture of the examination fee.

(c) A person who has a license as described in subsection (1.5) of Section 3 is exempt from the examination requirement of this Section, so long as (1) the license continues to be valid and is renewed before expiration and (2) the person is not newly designated as a qualifying party after July 1, 2001. An applicant for a new license must pass an examination authorized by the Department before being issued a license.

If an applicant fails to pass an examination for licensure under this Act within 3 years after filing an application, the application shall be denied. However, such applicant may reapply for an examination on payment of the required fee.

(225 ILCS 335/4.5 new)

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Sec. 4.5. Duties of qualifying party; replacement. While engaged as a qualifying party for a licensee, a person shall not take other employment that would conflict with his or her duties as a qualifying party or conflict with his or her ability to adequately supervise the work performed by the licensee. The person may act in the capacity of the qualifying party for one additional licensee if one of the following conditions exists:

(1) There is a common ownership of at least 25% of each licensed entity for which the person acts as a qualifying party.

(2) The same person acts as a qualifying party for one licensed entity and its licensed subsidiary.

"Subsidiary" as used in this Section means a corporation of which at least 25% is owned by another licensee.

In the event that a qualifying party is terminated or terminating his or her status as managing agent of a licensee, the qualifying party and the licensee shall notify the Department of that fact in writing. Thereafter, the licensee shall notify the Department of the name and address of the newly designated qualifying party. The newly designated qualifying party must take the examination prescribed in Section 3.5 of this Act. These requirements shall be met in a timely manner as established by rule of the Department.

(225 ILCS 335/5.5 new)

Sec. 5.5. Contracts. A roofing contractor, when signing a contract, must provide a land-based phone number and a street address other than a post office box at which he or she may be contacted.

(225 ILCS 335/9.2) (from Ch. 111, par. 7509.2)

Sec. 9.2. Stenographer; record of proceedings. The Department, at its expense, shall provide a stenographer to take down the testimony and preserve a record of all proceedings initiated pursuant to this Act, the rules for the administration of this Act, or any other Act or rules relating to this Act and proceedings for restoration of any license issued under this Act. The notice of hearing, complaint, answer, and all other documents in the nature of pleadings and written motions and responses filed in the proceedings, the transcript of the testimony, all exhibits admitted into evidence, the report of the hearing officer, the Board's findings of fact,

conclusions of law, and recommendations to the Director, and the order shall be the record of the proceedings. The Department shall furnish a transcript of the record to any person interested in the hearing upon payment of the fee required under Section 2105-115 of the Department of Professional Regulation Law (20 ILCS 2105/2105-115). ~~The Department, at its expense, shall preserve a record of all proceedings at the formal hearing of any case. The notice of hearing, complaint and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the hearing officer and order of the Department shall be the record of such proceeding. The Department shall furnish a transcript of the record to any person interested in the hearing upon payment of the fee required under Section 2105-115 of the Department of Professional Regulation Law (20 ILCS 2105/2105-115).~~

(Source: P.A. 91-239, eff. 1-1-00.)

(225 ILCS 335/9.4) (from Ch. 111, par. 7509.4)

Sec. 9.4. The Department has power to subpoena and bring before it any person in this State and to take testimony either orally or by deposition or both, or to subpoena documents, exhibits, or other materials with the same fees and mileage and in the same manner as prescribed by law in judicial proceedings in civil cases in circuit courts of this State.

The Director and any member of the Roofing Advisory Board have

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power to administer oaths to witnesses at any hearing that the Department or Roofing Advisory Board is authorized by law to conduct. Further, the Director has power to administer any other oaths required or authorized to be administered by the Department under this Act.

~~The Director and the hearing officer have power to administer oaths to witnesses at any hearing which the Department is authorized to conduct under this Act, and any other oaths required or authorized to be administered by the Department under this Act.~~

(Source: P.A. 89-387, eff. 1-1-96.)

(225 ILCS 335/9.5) (from Ch. 111, par. 7509.5)

Sec. 9.5. Findings of fact, conclusions of law, and recommendations; order. Within 30 days of the Department's receipt of the transcript of any hearing that is conducted pursuant to this Act or the rules for its enforcement or any other statute or rule requiring a hearing under this Act or the rules for its enforcement, or for any hearing related to restoration of any license issued pursuant to this Act, the hearing officer shall submit his or her written findings and recommendations to the Roofing Advisory Board. The Roofing Advisory Board shall review the report of the hearing officer and shall present its findings of fact, conclusions of law, and recommendations to the Director by the date of the Board's second meeting following the Board's receipt of the hearing officer's report.

A copy of the findings of fact, conclusions of law, and recommendations to the Director shall be served upon the accused person, either personally or by registered or certified mail. Within

20 days after service, the accused person may present to the Department a written motion for a rehearing, which shall state the particular grounds therefor. If the accused person orders and pays for a transcript pursuant to Section 9.2, the time elapsing thereafter and before the transcript is ready for delivery to him or her shall not be counted as part of the 20 days.

The Director shall issue an order based on the findings of fact, conclusions of law, and recommendations to the Director of the Board. If the Director disagrees in any regard with the findings of fact, conclusions of law, and recommendations to the Director, he may issue an order in contravention of the findings of fact, conclusions of law, and recommendations to the Director.

If the Director issues an order in contravention of the findings of fact, conclusions of law, and recommendations to the Director of the Board, the Director shall notify the Board in writing with an explanation for any deviation from the Board's findings of fact, conclusions of law, and recommendations to the Director within 30 days of the Director's entry of the order. At the conclusion of the hearing the hearing officer shall present to the Director a written report of his findings of fact, conclusions of law and recommendations. The report shall contain a finding whether or not the accused person violated this Act or failed to comply with the conditions required in this Act. The hearing officer shall specify the nature of the violation or failure to comply, and shall make his recommendations to the Director.

The report of findings of fact, conclusions of law and recommendations of the hearing officer shall be the basis for the Department's order. If the Director disagrees in any regard with the report of the hearing officer, the Director may issue an order in contravention to the report. The finding is not admissible in evidence against the person in a criminal prosecution brought for the violation of this Act, but the hearing and findings are not a bar to a criminal prosecution brought for the violation of this Act.

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(Source: P.A. 86-615.)

(225 ILCS 335/9.10) (from Ch. 111, par. 7509.10)

Sec. 9.10. Returned checks; fines. Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of \$50. If the check or other payment was for a renewal or issuance fee and that person practices without paying the renewal fee or issuance fee and the fine due, an additional fine of \$100 shall be imposed. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or deny the application, without

hearing. If, after termination or denial, the person seeks a license, he or she shall apply to the Department for a new restoration or issuance of the license and pay all the application fees as set by rule that are fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license to pay all expenses of processing this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 90-55, eff. 1-1-98.)

(225 ILCS 335/9.14) (from Ch. 111, par. 7509.14)

Sec. 9.14. The Director has the authority to appoint any attorney duly licensed to practice law in the State of Illinois to serve as the hearing officer for any action for refusal to issue or renew a license, for or discipline of a licensee for sanctions for unlicensed practice, for restoration of a license, or for any other action for which findings of fact, conclusions of law, and recommendations are required pursuant to Section 9.5 of this Act. The hearing officer shall have full authority to conduct the hearing and shall issue his or her findings of fact and recommendations to the Board pursuant to Sections 9.5 of this Act. The hearing officer has full authority to conduct the hearing. The hearing officer shall report his findings of fact, conclusions of law and recommendations to the Director. The Director shall issue an order based on the report of the hearing officer. If the Director disagrees in any regard with the hearing officer's report, he may issue an order in contravention of the hearing officer's report.

(Source: P.A. 86-615.)

(225 ILCS 335/10) (from Ch. 111, par. 7510)

Sec. 10. Enforcement; petition to court.

(1) If any person violates the provisions of this Act, the Director through the Attorney General of Illinois, or the State's Attorney of any county in which a violation is alleged to exist, may in the name of the People of the State of Illinois petition for an order enjoining such violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition in such court, the court may issue a temporary restraining order, without notice or bond, and may preliminarily and permanently enjoin such violation, and if it is established that such person has violated or is violating the injunction, the Court may punish the offender for contempt of court.

(2) If any person shall practice as a licensee or hold himself

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or herself out as a licensee without being licensed under the provisions of this Act, then any person licensed under this Act, any interested party or any person injured thereby may, in addition to those officers identified in subsection (1) of this Section, petition for relief as provided therein.

(3) Whenever the Department has reason to believe that any person has violated the licensing requirements of this Act by practicing, offering to practice, attempting to practice, or holding himself or herself out to practice roofing without being licensed

under this Act, the Department may issue a rule to show cause why an order to cease and desist should not be entered against that person. The rule shall clearly set forth the grounds relied upon by the Department and shall provide a period of 7 days from the date of the rule to file an answer to the satisfaction of the Department. Failure to answer to the satisfaction of the Department shall cause an order to cease and desist to be issued immediately.

(4) (3) Proceedings under this Section shall be in addition to, and not in lieu of, all other remedies and penalties which may be provided by law.

(Source: P.A. 90-55, eff. 1-1-98.)

(225 ILCS 335/11.5)

Sec. 11.5. The Roofing Advisory Board is created and shall consist of 7 persons, 6 of whom shall have been issued certificates of registration as roofing contractors by the Department, one of whom represents a statewide association representing home builders, and one of whom and one who is a knowledgeable public member. The public member shall not be licensed under this Act or any other Act the Department administers. Each member shall be appointed by the Director. Members shall be appointed who reasonably represent the different geographic areas of the State.

Members of the Roofing Advisory Board shall be immune from suit in any action based upon any disciplinary proceedings or other acts performed in good faith as members of the Roofing Advisory Board.

~~The Director shall consider the advice and recommendations of the Board. The Director shall notify the Board in writing with an explanation of any deviation from the Board's written recommendation or response. After review of the Director's written explanation of the reasons for deviation, the Board shall have the opportunity to comment upon the Director's decision.~~

The persons appointed shall hold office for 4 years and until a successor is appointed and qualified. The initial terms shall begin July 1, 1997. Of the members of the Board first appointed, 2 shall be appointed to serve for 2 years, 2 shall be appointed to serve for 3 years, and 3 shall be appointed to serve for 4 years. No member shall serve more than 2 complete 4 year terms.

Within 90 days of a vacancy occurring, the Director shall fill the vacancy for the unexpired portion of the term with an appointee who meets the same qualifications as the person whose position has become vacant. The Board shall meet annually to elect one member as chairman and one member as vice-chairman. No officer shall be elected more than twice in succession to the same office. The members of the Board shall receive reimbursement for actual, necessary, and authorized expenses incurred in attending the meetings of the Board.

(Source: P.A. 89-594, eff. 8-1-96.)

(225 ILCS 335/4 rep.)

Section 10. The Illinois Roofing Industry Licensing Act is amended by repealing Section 4.

Section 99. Effective date. This Act takes effect upon becoming law."

[Nov. 30, 2000]

Submitted on November 29, 2000.

s/Sen. Dave Syverson  
s/Sen. Christine Radogno  
Sen. J. Bradley Burzynski  
s/Sen. Rickey Hendon  
s/Sen. Antonio Munoz  
Committee for the Senate

Rep. Daniel J. Burke  
s/Rep. Barbara Flynn Currie  
s/Rep. Mary K. O'Brien  
Rep. Art Tenhouse  
s/Rep. Angelo "Skip" Saviano  
Committee for the House

And on that motion, a call of the roll was had resulting as follows:

Yeas 57; Nays None.

The following voted in the affirmative:

Bomke  
Bowles  
Clayborne  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpier  
Klemm  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan, L.  
Madigan, R.  
Mahar  
Mitchell  
Molaro  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Ronen  
Roskam

Shadid  
Shaw  
Sieben

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Silverstein  
Smith  
Sullivan  
Syverson  
Trotter  
Viverito  
Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Welch  
Mr. President

The motion prevailed.

And the Senate adopted the Report of the Second Conference Committee on Senate Bill No. 487, by a three-fifths vote.

Ordered that the Secretary inform the House of Representatives thereof.

#### **MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

#### **SENATE BILL NO. 368**

A bill for AN ACT concerning contact lenses.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 368

Passed the House, as amended, November 30, 2000.

ANTHONY D. ROSSI, Clerk of the House

#### **AMENDMENT NO. 1 TO SENATE BILL 368**

AMENDMENT NO. 1. Amend Senate Bill 368 by replacing the title with the following:

"AN ACT concerning audiologists."; and  
by replacing everything after the enacting clause with the following:

"Section 5. If and only if Senate Bill 1404 of the 91st General Assembly becomes law, the Hearing Instrument Consumer Protection Act is amended by changing Section 16 as follows:

(225 ILCS 50/16) (from Ch. 111, par. 7416)

Sec. 16. Hearing Instrument Consumer Protection Board. There shall be established a Hearing Instrument Consumer Protection Board which shall assist, advise and make recommendations to the Department.

The Board shall consist of 6 members who shall be residents of Illinois. One shall be a licensed physician who specializes in otology or otolaryngology; one shall be a member of a consumer-oriented organization concerned with the hearing impaired; one shall be from the general public, preferably a senior citizen; ~~and 2 3~~ shall be licensed hearing instrument dispensers who are National Board Certified Hearing Instrument Specialists; and, one shall be ~~of whom is~~ a licensed audiologist. If a vote of the Board

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results in a tie, the Director shall cast the deciding vote.

Members of the Board shall be appointed by the Director after consultation with appropriate professional organizations and consumer groups. The term of office of each shall be 4 years. Before a member's term expires, the Director shall appoint a successor to assume member's duties at the expiration of his or her predecessor's term. A vacancy shall be filled by appointment for the unexpired term. The members shall annually designate one member as chairman. No member of the Board who has served 2 successive, full terms may be reappointed. The Director may remove members for good cause.

Members of the Board shall receive reimbursement for actual and necessary travel and for other expenses, not to exceed the limit established by the Department.

(Source: P.A. 89-72, eff. 12-31-95; 91SB1404enr.)

Section 10. If and only if Senate Bill 1404 of the 91st General Assembly becomes law, the Illinois Speech-Language Pathology and Audiology Practice Act is amended by changing Sections 4 and 16 as follows:

(225 ILCS 110/4) (from Ch. 111, par. 7904)

Sec. 4. Powers and duties of the Department. Subject to the provisions of this Act, the Department shall exercise the following functions, powers and duties:

(a) Conduct or authorize examinations to ascertain the fitness and qualifications of applicants for license and issue licenses to those who are found to be fit and qualified.

(b) Prescribe rules and regulations for a method of examination of candidates.

(c) Prescribe rules and regulations defining what shall constitute an approved school, college or department of a university, except that no school, college or department of a university that refuses admittance to applicants solely on account of race, color, creed, sex or national origin shall be approved.

(d) Conduct hearings on proceedings to revoke, suspend, or refusal to issue such licenses.

(e) Promulgate rules and regulations required for the administration of this Act.

(f) Discipline the supervisor of a graduate audiology student as provided in this Act for a violation by the graduate audiology student.

~~(g) Enforce the provisions of the Hearing Instrument Consumer Protection Act and rules promulgated under the Act as that Act and those rules apply to licensed audiologists regulated by the Department.~~

(Source: P.A. 85-1391; 91SB1404enr.)

(225 ILCS 110/16) (from Ch. 111, par. 7916)

Sec. 16. Refusal, revocation or suspension of licenses.

(1) The Department may refuse to issue or renew, or may revoke, suspend, place on probation, censure, reprimand or take other disciplinary action as the Department may deem proper, including fines not to exceed \$5,000 for each violation, with regard to any license for any one or combination of the following causes:

(a) Fraud in procuring the license.

(b) Habitual intoxication or addiction to the use of drugs.

(c) Willful or repeated violations of the rules of the Department of Public Health.

(d) Division of fees or agreeing to split or divide the fees received for speech-language pathology or audiology services with any person for referring an individual, or assisting in the care or treatment of an individual, without the knowledge of the individual or his or her legal representative.

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(e) Employing, procuring, inducing, aiding or abetting a person not licensed as a speech-language pathologist or audiologist to engage in the unauthorized practice of speech-language pathology or audiology.

(f) Making any misrepresentations or false promises, directly or indirectly, to influence, persuade or induce patronage.

(g) Professional connection or association with, or lending his or her name to another for the illegal practice of speech-language pathology or audiology by another, or professional connection or association with any person, firm or corporation holding itself out in any manner contrary to this Act.

(h) Obtaining or seeking to obtain checks, money, or any other things of value by false or fraudulent representations, including but not limited to, engaging in such fraudulent practice to defraud the medical assistance program of the Department of Public Aid.

(i) Practicing under a name other than his or her own.

(j) Improper, unprofessional or dishonorable conduct of a character likely to deceive, defraud or harm the public.

(k) Conviction in this or another state of any crime which is a felony under the laws of this State or conviction of a felony in a federal court, if the Department determines, after investigation, that such person has not been sufficiently rehabilitated to warrant the public trust.

(l) Permitting a person under his or her supervision to perform any function not authorized by this Act.

(m) A violation of any provision of this Act or rules promulgated thereunder.

(n) Revocation by another state, the District of Columbia, territory, or foreign nation of a license to practice speech-language pathology or audiology in its jurisdiction if at least one of the grounds for that revocation is the same as or the equivalent of one of the grounds for revocation set forth herein.

(o) Willfully failing to report an instance of suspected child abuse or neglect as required by the Abused and Neglected Child Reporting Act.

(p) Gross or repeated malpractice resulting in injury or death of an individual.

(q) Willfully making or filing false records or reports in his or her practice as a speech-language pathologist or audiologist, including, but not limited to, false records to support claims against the public assistance program of the Illinois Department of Public Aid.

(r) Professional incompetence as manifested by poor standards of care or mental incompetence as declared by a court of competent jurisdiction.

(s) Repeated irregularities in billing a third party for services rendered to an individual. For purposes of this Section, "irregularities in billing" shall include:

(i) reporting excessive charges for the purpose of obtaining a total payment in excess of that usually received by the speech-language pathologist or audiologist for the services rendered;

(ii) reporting charges for services not rendered; or

(iii) incorrectly reporting services rendered for the purpose of obtaining payment not earned.

(t) (Blank).

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(u) Violation of the Health Care Worker Self-Referral Act.

(v) Physical illness, including but not limited to deterioration through the aging process or loss of motor skill, mental illness, or disability that results in the inability to practice the profession with reasonable judgment, skill, or safety.

(w) Violation of the Hearing Instrument Consumer Protection Act.

(2) The Department shall deny a license or renewal authorized by this Act to any person who has defaulted on an educational loan guaranteed by the Illinois State Scholarship Commission; however, the Department may issue a license or renewal if the aforementioned persons have established a satisfactory repayment record as determined by the Illinois State Scholarship Commission.

(3) The entry of an order by a circuit court establishing that any person holding a license under this Act is subject to involuntary admission or judicial admission as provided for in the Mental Health and Developmental Disabilities Code, operates as an automatic suspension of that license. That person may have his or her license restored only upon the determination by a circuit court that the patient is no longer subject to involuntary admission or judicial

admission and the issuance of an order so finding and discharging the patient, and upon the Board's recommendation to the Department that the license be restored. Where the circumstances so indicate, the Board may recommend to the Department that it require an examination prior to restoring any license automatically suspended under this subsection.

(4) The Department may refuse to issue or may suspend the license of any person who fails to file a return, or to pay the tax, penalty, or interest shown in a filed return, or to pay any final assessment of the tax penalty or interest, as required by any tax Act administered by the Department of Revenue, until such time as the requirements of any such tax Act are satisfied.

(5) In enforcing this Section, the Board upon a showing of a possible violation may compel an individual licensed to practice under this Act, or who has applied for licensure pursuant to this Act, to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The examining physicians or clinical psychologists shall be those specifically designated by the Board. The individual to be examined may have, at his or her own expense, another physician or clinical psychologist of his or her choice present during all aspects of this examination. Failure of any individual to submit to a mental or physical examination, when directed, shall be grounds for suspension of his or her license until the individual submits to the examination if the Board finds, after notice and hearing, that the refusal to submit to the examination was without reasonable cause.

If the Board finds an individual unable to practice because of the reasons set forth in this Section, the Board may require that individual to submit to care, counseling, or treatment by physicians or clinical psychologists approved or designated by the Board, as a condition, term, or restriction for continued, reinstated, or renewed licensure to practice; or, in lieu of care, counseling, or treatment, the Board may recommend to the Department to file a complaint to immediately suspend, revoke, or otherwise discipline the license of the individual. Any individual whose license was granted, continued, reinstated, renewed, disciplined or supervised subject to such terms, conditions, or restrictions, and who fails to comply with such terms, conditions, or restrictions, shall be referred to the Director for a determination as to whether the individual shall have his or her

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license suspended immediately, pending a hearing by the Board.

In instances in which the Director immediately suspends a person's license under this Section, a hearing on that person's license must be convened by the Board within 15 days after the suspension and completed without appreciable delay. The Board shall have the authority to review the subject individual's record of treatment and counseling regarding the impairment to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records.

An individual licensed under this Act and affected under this Section shall be afforded an opportunity to demonstrate to the Board that he or she can resume practice in compliance with acceptable and

prevailing standards under the provisions of his or her license.  
(Source: P.A. 90-69, eff. 7-8-97.)

Section 99. Effective date. This Act takes effect on January 1, 2001."

Under the rules, the foregoing **Senate Bill No. 368**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by  
Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 1975

A bill for AN ACT concerning land claims.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 2 to SENATE BILL NO. 1975

Passed the House, as amended, November 30, 2000.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 2 TO SENATE BILL 1975

AMENDMENT NO. 2. Amend Senate Bill 1975 on page 1, line 19, after the period, by inserting the following:

"The hourly rate for legal fees paid or reimbursed under this Section shall not exceed the maximum hourly rate customarily paid to Special Assistant Attorneys General. The total amount of legal fees paid or reimbursed under this Section shall not exceed \$100,000. The payments or reimbursements may be made from moneys appropriated to the Attorney General for fiscal year 2001 for contractual services, notwithstanding any other law to the contrary. The Attorney General must, no later than April 15, 2001, submit to the General Assembly a detailed, written report indicating which fees the Attorney General has or intends to pay or reimburse and the basis for making the payment or reimbursement. This Section is repealed on July 1, 2001."; and

on page 1, by deleting lines 20 through 29; and  
by deleting all of pages 2 through 6; and  
on page 7, by deleting lines 1 through 15.

Under the rules, the foregoing **Senate Bill No. 1975**, with House Amendment No. 2, was referred to the Secretary's Desk.

A message from the House by

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Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has refused to concur with the Senate in the

adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 1580

A bill for AN ACT to amend the Illinois Pension Code by changing Section 7-123.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 1580.

Non-concurred in by the House, November 30, 2000.

ANTHONY D. ROSSI, Clerk of the House

Under the rules, the foregoing **House Bill No. 1580**, with Senate Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has refused to concur with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 1581

A bill for AN ACT to amend the Illinois Pension Code by changing Section 18-112.2.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 1581.

Non-concurred in by the House, November 30, 2000.

ANTHONY D. ROSSI, Clerk of the House

Under the rules, the foregoing **House Bill No. 1581**, with Senate Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has refused to concur with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 1598

A bill for AN ACT to amend the Illinois Pension Code by changing Section 14-103.30.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 1598.

Non-concurred in by the House, November 30, 2000.

ANTHONY D. ROSSI, Clerk of the House

Under the rules, the foregoing **House Bill No. 1598**, with Senate Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the

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adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 1582

A bill for AN ACT to amend the Illinois Pension Code by changing Section 17-127.2.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 1582.

Concurred in by the House, November 30, 2000.

ANTHONY D. ROSSI, Clerk of the House

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of the following joint resolution, to-wit:

SENATE JOINT RESOLUTION NO. 74

Concurred in by the House, November 30, 2000.

ANTHONY D. ROSSI, Clerk of the House

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to the following joint resolution, to-wit:

HOUSE JOINT RESOLUTION NO. 19

Senate Amendment No. 1

Action taken by the House, November 30, 2000.

ANTHONY D. ROSSI, Clerk of the House

**RESOLUTIONS CONSENT CALENDAR**

**SENATE RESOLUTION NO. 448**

Offered by Senator Cullerton and all Senators:

Mourns the death of Burton T. Robinson of Naperville.

**SENATE RESOLUTION NO. 449**

Offered by Senator Geo-Karis and all Senators:

Mourns the death of Geraldine J. "Jeri" Martin.

**SENATE RESOLUTION NO. 450**

Offered by Senator Geo-Karis and all Senators:

Mourns the death of Kenneth Marqui.

**SENATE RESOLUTION NO. 451**

Offered by Senator Silverstein - Dudycz and all Senators:  
Mourns the death of Madeleine Grant of Lincolnwood.

**SENATE RESOLUTION NO. 453**

Offered by Senator Lauzen and all Senators:  
Mourns the death of Christian H. "Bud" Solfisburg, III of Aurora.

**SENATE RESOLUTION NO. 454**

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Offered by Senator Noland and all Senators:  
Mourns the death of Howard J. Burns of Moweaqua.

**SENATE RESOLUTION NO. 455**

Offered by Senator Noland and all Senators:  
Mourns the death of Edsel W. "Ed" Tieman.

**SENATE RESOLUTION NO. 456**

Offered by Senator Noland and all Senators:  
Mourns the death of George Moll of Herrick.

**SENATE RESOLUTION NO. 457**

Offered by Senator Noland and all Senators:  
Mourns the death of Richard Kepp of Neoga.

**SENATE RESOLUTION NO. 458**

Offered by Senator E. Jones, Demuzio and all Senators:  
Mourns the death of Mary Hoffman of Belleville.

**SENATE RESOLUTION NO. 459**

Offered by Senator Sullivan and all Senators:  
Mourns the death of Hank Friedrichs of Mt. Prospect.

**SENATE RESOLUTION NO. 461**

Offered by Senator O'Malley and all Senators:  
Mourns the death of John Hickey.

**SENATE RESOLUTION NO. 462**

Offered by Senator O'Malley and all Senators:  
Mourns the death of John "Tim" Phelan of Chicago.

Senator Donahue moved the adoption of the foregoing resolutions.  
The motion prevailed.  
And the resolutions were adopted.

**MESSAGE FROM THE PRESIDENT**

**OFFICE OF THE SENATE PRESIDENT  
ILLINOIS SENATE**

November 30, 2000

Jim Harry  
Secretary of the Senate  
401 State House  
Springfield, IL 62706

Dear Mr. Secretary:

Pursuant to Senate Rule 2-10, I hereby revise the 91st General Assembly Senate Schedule for the week of January 8, 2001.

Please be advised that the Senate will be in session on Monday, January 8th, and Tuesday, January 9th.

Sincerely,

s/James "Pate" Philip  
President of the Senate

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cc: Governor Ryan  
Senate Minority Leader Jones  
Speaker Madigan  
House Republican Leader Daniels  
Courtney Nottage  
Tim Mapes  
Mike Tristano

#### **PRESENTATION OF RESOLUTION**

Senator Weaver offered the following Senate Joint Resolution and, having asked and obtained unanimous consent to suspend the rules for its immediate consideration, moved its adoption:

#### **SENATE JOINT RESOLUTION NO. 78**

RESOLVED, BY THE SENATE OF THE NINETY-FIRST GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that when the two Houses adjourn on Thursday, November 30, 2000, the Senate stands adjourned until Monday, January 8, 2001, at 2:00 o'clock p.m.; and the House of Representatives stands adjourned until Friday, December 29, 2000, in perfunctory session; and when it adjourns on that day, it stands adjourned until Monday, January 8, 2001, at 2:00 o'clock p.m.

The motion prevailed.

And the resolution was adopted.

Ordered that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

**MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the acceptance of the Governor's specific recommendation for change, which is attached, to a bill of the following title, to-wit:

SENATE BILL 810

A bill for AN ACT to amend the Illinois Income Tax Act by adding Section 210.5.

Concurred in by the House, November 28, 2000 by a three-fifths vote.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT TO SENATE BILL 810

IN ACCEPTANCE OF GOVERNOR'S RECOMMENDATIONS

Amend Senate Bill 810 on page 2, line 9, after "facility.", by inserting the following:

"As used in this Section, "child care facility" is limited to a child care facility located in Illinois."

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the

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House of Representatives has concurred with the Senate in the acceptance of the Governor's specific recommendation for change, which is attached, to a bill of the following title, to-wit:

SENATE BILL 1382

A bill for AN ACT to amend the Criminal Code of 1961 by changing Section 21-1.3.

Concurred in by the House, November 29, 2000.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT TO SENATE BILL 1382

IN ACCEPTANCE OF GOVERNOR'S RECOMMENDATIONS

Amend Senate Bill 1382 on page 1, by replacing line 28 with the following:

"property shall be subject to a mandatory minimum fine of \$500 plus the actual costs incurred".

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the acceptance of the Governor's specific recommendation for change, which is attached, to a bill of the following title, to-wit:

SENATE BILL 1404

A bill for AN ACT concerning the regulation of audiologists.

Concurred in by the House, November 29, 2000 by a three-fifths vote.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT TO SENATE BILL 1404

IN ACCEPTANCE OF GOVERNOR'S RECOMMENDATIONS

Amend Senate Bill 1404 as follows:

on page 4, by deleting lines 18 and 19; and on page 4, below line 23, by inserting the following:

"(c) Audiologists licensed under the Illinois Speech-Language Pathology and Audiology Practice Act are exempt from licensure under this Act, but are otherwise subject to the practices and provisions of this Act."

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of the following joint resolution, to-wit:

SENATE JOINT RESOLUTION NO. 78

Concurred in by the House, November 30, 2000.

ANTHONY D. ROSSI, Clerk of the House

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 1284

[Nov. 30, 2000]

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A bill for AN ACT to amend the Illinois Sports Facilities Authority Act by changing Section 22.

Which amendment is as follows:

Senate Amendment No. 2 to HOUSE BILL NO. 1284.

Concurred in by the House, November 30, 2000.

ANTHONY D. ROSSI, Clerk of the House

At the hour of 3:00 o'clock p.m., on motion of Senator Noland, and pursuant to **Senate Joint Resolution No. 78**, the Senate stood adjourned until Monday, January 8, 2001 at 2:00 o'clock p.m.

[Nov. 30, 2000]